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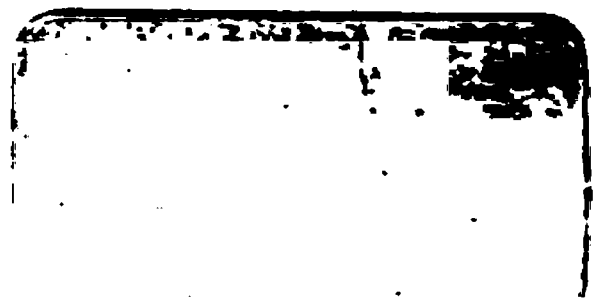

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V

THE STATE TRIALS.

The High Court of Justice, Queen's Bench Division.

10566
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REPORT

OF THE TRIAL OF

THE QUEEN,

AT THE PROSECUTION OF

THE RT. HON. THE ATTORNEY-GENERAL,

AGAINST

CHARLES STEWART PARNELL, JOHN DILLON, JOSEPH GILLIS BIGGAR, TIMOTHY DANIEL SULLIVAN, THOMAS SEXTON, PATRICK EGAN, THOMAS BRENNAN, MICHAEL M. O'SULLIVAN, MICHAEL P. BOYTON, PATRICK JOSEPH SHERIDAN, PATRICK JOSEPH GORDON, MATHEW HARRIS, JOHN W. WALSH, AND JOHN W. NALLY,

FOR

CONSPIRACY

IN INCITING TENANTS NOT TO PAY RENTS CONTRACTED FOR, AND DETERRING TENANTS FROM PAYMENT OF RENT, &c., &c.

COMMENCING

TUESDAY, DECEMBER 28, 1880,

AND TERMINATING

TUESDAY, JANUARY 25, 1881.

DUBLIN:
PRINTED BY ALEX. THOM & CO., 87, 88, & 89, ABBEY-STREET,
THE QUEEN'S PRINTING OFFICE.
FOR HER MAJESTY'S STATIONERY OFFICE.

1881.

P2583
R4

Presiding Judges:

THE RIGHT HONORABLE MR. JUSTICE FITZGERALD;

THE RIGHT HONORABLE MR. JUSTICE BARRY.

High Sheriff, City of Dublin:

SIR GEORGE OWEN.

Counsel for the Crown:

THE RIGHT HONORABLE HUGH LAW, M.P., HER MAJESTY'S ATTORNEY-GENERAL;

WILLIAM MOORE JOHNSON, M.P., SOLICITOR-GENERAL;

DENIS CAULFIELD HERON, ESQ., THIRD SERGEANT;

JAMES MURPHY, ESQ., Q.C.; ANDREW MARSHALL PORTER, ESQ., Q.C.;

JOHN NAISH, ESQ., Q.C., LAW ADVISER;

CONSTANTINE MOLLOY, ESQ., AND DAVID ROSS, ESQ.

Crown and Treasury Solicitor:

WILLIAM LANE JOYNT, ESQ., D.L.

Counsel for the Traversers:

FRANCIS MACDONOGH, ESQ., Q.C.; SAMUEL WALKER, ESQ., Q.C.

WILLIAM M'LAUGHLIN, ESQ., Q.C.; JOHN ADYE CURRAN, ESQ.;

FRANCIS NOLAN, ESQ.; LUKE DILLON, ESQ.;

RICHARD ADAMS, ESQ., AND A. M. SULLIVAN, ESQ.

Solicitors for the Traversers:

VALENTINE B. DILLON, ESQ., AND COMPANY.

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THE STATE TRIALS.

IN THE HIGH COURT OF JUSTICE, IRELAND.

QUEEN'S BENCH DIVISION—CROWN SIDE.

FIRST DAY—TUESDAY, DECEMBER 28, 1880.

At ten minutes past 11 o'clock, a.m., the Right Hon. the LORD CHIEF JUSTICE, the Right Hon. Mr. Justice FITZGERALD, and the Right Hon. Mr. Justice BARRY entered court.

The LORD CHIEF JUSTICE said—Before this trial is entered upon, I wish to say a few words. Serious misconception appears to have arisen with respect to a judgment I delivered some time ago upon a motion to postpone the trial of this case. That application was one to the discretion of the Court. It appeared to me that the state of this country afforded a conclusive reason against granting the postponement. I so stated in that judgment, and I gave a description of the disorder which prevailed—based upon matters of which I had judicial conusance. I am not aware that I stated anything but the simple truth. In my opinion, as a Chief Magistrate entrusted by the Crown with the preservation of peace in this country, it was my duty to speak the truth, and the whole truth upon that subject, and I adhere to everything I then stated. But it has been objected that I used language which imported that I considered the traversers guilty of the charges contained in the information in this matter. It occurred to myself that I might have used terms capable of such a construction—and I immediately corrected what I had said, adding—"I *mean* these are the *charges* and accusations which the traversers have to meet. If they can satisfy a jury of their innocence let them be acquitted." When a speaker, delivering an unpremeditated address, corrects himself, if by inadvertence he has used expressions which did not convey what he intended, and in the same breath explains his real meaning, it is only just, and it is certainly usual, to accept his explanation. However, this language of mine has occasioned very considerable excitement, and has been bitterly complained of. It is all-important in a case like the present that those engaged in the administration of justice should be free from the slightest shade of suspicion of bias or prejudice. I trust it is scarcely necessary for me to state that I am not conscious of favour in this case, as between the Crown and the traversers. I feel that I

should deal with the entire case with that impartiality which is the first duty of a judge. Still it has suggested itself to me that, in the present trial, considering the critical state of this country, it is most important to remove every element that might tend to disturb the calm and dispassionate consideration of the case. Nor is it desirable that it should be open to those upon their trial upon serious charges even to suggest that the Judge, whose duty it would be to bring the facts and evidence of the case before the jury, had already exhibited a prepossession against them.

Upon the whole, after anxious consideration and with the concurrence of some whose opinions I highly value, I have come to the conclusion that the due administration of justice will be promoted by my not taking part in the hearing of the case. My presence is not by any means necessary—the interests of the public will not suffer, for I have the satisfaction of feeling that the case will be in the hands of Judges who in every judicial characteristic have no superiors. I may also observe that this trial appears not unlikely to extend over part, if not the whole, of the next sittings in this Court; relieved from taking part in this trial I shall be free to adjudicate on the cases which will come before the Court on the civil side during the next sittings. The general suitors would have just ground to complain it the hearing of cases and matters in which they were interested should be suspended during the proceedings of this trial. This evil will be avoided by the course I intend taking. I trust my sincerity will not be doubted when I say—that I have been induced to take this course by a sincere wish to promote the due administration of justice uninfluenced either by public invective or secret menace. These every one connected with the administration of the law in these unhappy times must be prepared to encounter—I have experienced an ample share of both.

I only hope that the issue of the present trial will be consistent with truth and justice. I shall take no further part in those proceedings.

The LORD CHIEF JUSTICE then withdrew.

Mr. *John Fox Goodman*, Clerk of the Crown, then called on the case of the Queen at the prosecution of the Right Honorable *Hugh Law*, Her Majesty's Attorney-General for Ireland, against *Charles Stewart Parnell*, *John Dillon*, *Joseph Gillis Biggar*, *Timothy Daniel Sullivan*, *Thomas Sexton*, *Patrick Egan*, *Thomas Brennan*, *Michael M. O'Sullivan*, *Michael P. Boyton*, *Patrick Joseph Sheridan*, *Patrick Joseph Gordon*, *Mathew Harris*, *John W. Walsh*, and *John W. Nally*.

The Right Honorable the *Attorney-General*, M.P., the Honorable the *Solicitor-General*, M.P., Sergeant *Heron*, Mr. *James Murphy*, Q.C., Mr. *A. M. Porter*, Q.C., Mr. *John Naish*, Q.C., Law Adviser, Mr. *Constantine Molloy*, and Mr. *David Ross*, instructed by Mr. *William Lane Joynt*, Crown and Treasury Solicitor, were for the Crown; and Mr. *Macdonogh*, Q.C., Mr. *Samuel Walker*, Q.C., Mr. *W. M'Laughlin*, Q.C., Mr. *Peter O'Brien*, Q.C., Mr. *John Adye Curran*, Mr. *Francis Nolan*, Mr. *Luke Dillon*, Mr. *Richard Adams*, and Mr. *A. M. Sullivan* (instructed by Messrs. *V. B. Dillon* and Company) were for the traversers.

The traversers with the exception of P. J. Gordon were present.

Mr. Justice FITZGERALD.—Now call the jury.

Mr. *Goodman.*—I am now about to call the jury.

Mr. *W. D. Andrews,* Q.C.—Would your lordships permit me, now, to make an application on behalf of a juror, or at any subsequent stage?

Mr. Justice FITZGERALD.—You had better wait until his name shall be called.

Mr. *Carson.*—I am instructed to appear here on behalf of Mr. Henry Dockrell.

Mr. *V. B. Dillon.*—I had a note from Mr. Dockrell saying he is waiting in the hall and cannot get in, or something to that effect.

Mr. Justice FITZGERALD.—There should be the utmost facility given.

Mr. Justice BARRY.—Which is the case—one gentleman says he cannot get in and a barrister says he is there.

Mr. *Carson.*—I am instructed to apply on his behalf, that he be exempted from serving on the ground of physical infirmity. I move on his affidavit and the certificate of the doctor.

Mr. Justice FITZGERALD.—Better defer your application till Mr. Dockrell shall be called in the ordinary course by-and-by.

Mr. *Goodman.*—William Burke come and appear.

Mr. *Crean.*—If your lordships please I have to make an application on his behalf. I suppose I will have to wait till the same time.

Mr. Justice FITZGERALD.—Does William Burke appear? Let him answer first.

Mr. *Crean.*—He does.

Mr. *Goodman.*—Joseph E. Mills. [Answered.] Richard S. Clifford [No appearance; and his name was called three times.]

Mr. Justice FITZGERALD.—Call the whole of them at once on fines of £50.

Mr. *Macdonogh,* Q.C.—And may it please your lordships I think it would be extremely desirable that some person should stand outside and call upon them to appear.

Mr. Justice FITZGERALD.—Quite right. Every facility should be given to the jurors. (Addressing the High-Sheriff)—See that every facility be given to the jurors. Have the names called in addition at the front of the court. Let some officer be outside to call them.

The High Sheriff (Sir *J. W. Mackey,* D.L.)—Yes, my lord.

Mr. *Macdonogh,* Q.C.—I am sure, my lord, that no hindrance will be given; but it was very difficult to enter court to-day. All the gates were closed, and we had to go from one to another.

Mr. Justice FITZGERALD.—The court is very small and difficult of approach. I believe everything has been done for the convenience of the public and the profession.

Mr. *Macdonogh,* Q.C.—I am quite sure your lordships will see that the jurors have ample opportunity of hearing themselves called and entering the court.

Mr. Justice FITZGERALD.—There are officers outside to find them out and bring them into court.

Mr. *Goodman.*—Richard S. Clifford come and appear on pain of £50 [No appearance.] Joseph P. Culverwell. [Answered.]

Mr. *W. D. Andrews,* Q.C.—That is the gentleman for whom I appear.

Mr. *Goodman.*—James Tyrrell, come and appear on pain of £50. [Answered.] Richard Hunting, come and appear on pain of £50. [Answered.] Arthur Webb, come and appear on pain of £50. [Answered.] Stephen Malyn, come and appear on pain of £50.

A gentleman in Court said—I appear on behalf of Stephen Malyn.

Mr. Justice FITZGERALD.—Are you Stephen Malyn?

The *Spokesman*.—No. There has been a letter written from him, my lord.

Mr. *Goodman* called Stephen Malyn three times, but he did not appear, and then proceeded—Hugh Lloyd, come and appear on pain of £50. [No appearance.]

Mr. Justice FITZGERALD.—Mark those who have not answered as having been fined.

Mr. *Goodman*.—James R. Corcoran, come and appear on pain of £50. [Answered.] William Hopkins, come and appear on pain of £50. [Answered.] Joseph Mathers, come and appear on pain of £50. [Answered.] Thomas Dunne, come and appear on pain of £50. [Answered.] Edward Hurse, come and appear on pain of £50. [Answered.] Nicholas Hopkins, come and appear on pain of £50. [Answered.] Thomas P. Smith, come and appear on pain of £50. [Answered.]

Mr. *Ryland*.—I have to make an application on his behalf.

Mr. *Goodman*.—Patrick Macken, come and appear on pain of £50. [Answered.] Patrick Biggins, come and appear on pain of £50. [Answered.] James Hughes, come and appear on pain of £50.

Mr. *Overend*.—He is absent through illness.

Mr. *Goodman* called James Hughes three times, but he did not appear; and he then proceeded—Robert Woods [no appearance; and name called three times]. Thomas Crosby, come and appear on pain of £50. [Answered.] John Bircury, come and appear on pain of £50. [Answered.]

Mr. *Macdonogh*, Q.C.—How many have answered?

Mr. *Goodman*.—Eighteen have answered.

Mr. *Macdonogh*, Q.C.—Are you placing every card in the ballot box?

Mr. *Goodman*.—I am placing twenty-four cards in the box. Some of those who have not answered may come in.

Mr. *Ryland*.—Perhaps this is the proper time to make an application on behalf of the Postmaster-General?

Mr. Justice FITZGERALD.—Better wait till the name is called. There may be no necessity for your application at all.

Mr. *Goodman* put the names into the box; and then drawing forth one, said—No. 6 in the panel, James Tyrrell.

The *Attorney-General*.—You say there are eighteen. How many have answered?

Mr. *Goodman*.—I have six who have not answered. That leaves eighteen as having answered. In these eighteen you are aware there are some applications to be made.

The *Attorney-General*.—Application is to be made by several of those jurors—nine of them claiming exemption. We shall have a wholly insufficient panel. Six of them have not answered at all. That reduces the number of the panel to eighteen; and I think there are nine who have intimated their intention to apply for exemption. It is obvious we shall not be able to obtain a jury.

Mr. Justice FITZGERALD.—Do you suggest that the convenient course would be now to hear the several applications for exemption, to see the body we will have to deal with?

The *Attorney-General*.—That, I submit, would be convenient to both sides.

Mr. *Macdonogh*, Q.C.—No. I think the proper course is to call the jury and see who have appeared; and then see if anybody makes an application who thinks fit so to do.

The *Attorney-General*.—That is what we propose to do.

Mr. *Macdonogh*, Q.C.—No. The application is to be made when they appear.

Mr. Justice FITZGERALD.—You mean when they are in the jury box?

Mr. *Macdonogh*, Q.C.—So I say; and that is the course we wish to pursue. They are to be called, and each party may judge.

Mr. Justice FITZGERALD.—You have a right to see and know who the jurors are.

Mr. *Goodman*.—Shall I call them from the list?

Mr. Justice FITZGERALD.—Call them to the box from the list.

Mr. *Goodman*.—I will put Mr. Tyrrell's name into the box and call them from the list.

Mr. Justice FITZGERALD.—We want to get the eighteen into the box. Call them and let them be ballotted for afterwards.

Mr. *Goodman*.—William Burke, come into the jury box.

Mr. Burke entered the jury box.

Mr. Goodman called the rest in like manner, and as each juror's name was called he entered the box, viz.:—Joseph E. Mills, Joseph P. Culverwell, James Tyrrell, Arthur Webb, James R. Corcoran, William Hopkins, Joseph Mathers, Thomas Dunne, Edward Hurse, Nicholas Hopkins, Thomas T. Smith, Patrick Macken, Patrick Biggins, Joseph Mitchell, Thomas Crosby, and John Bircury.

Mr. Justice FITZGERALD.—Mr. Attorney, you have the eighteen there now. Now do you suggest anything?

The *Attorney-General*.—I think the more convenient course would be that the applications for exemption should be made now.

Mr. *Macdonogh*, Q.C.—My lords, I object to that course. I ask your lordships that the usual course of law shall be and will be pursued. The true course is now to ballot for the jury, and if any gentleman has any ground to be dispensed with that is his time to apply.

Mr. Justice FITZGERALD.—You are right, Mr. Macdonogh.

The *Attorney-General*.—The more convenient course would be not to swear any gentleman for the present.

Mr. Justice FITZGERALD.—That is not to swear anyone until the application is disposed of.

The *Attorney-General*.—I am disposed to think the more convenient course would be to have an adjournment until to-morrow, and have the panel called on heavy fines.

Mr. *Macdonogh*.—I say there is not the shadow of ground for a postponement. Eighteen gentlemen have answered. The rule of law is now that the twelve names shall come from that box, and they shall be, if unobjectionable or if there be no just cause, then and there sworn.

The *Attorney-General*.—Pardon me——

Mr. *Macdonogh*, Q.C.—All I want is what I know I shall receive—the lawful decision of the Court—what I say cannot be contravened—that is the true course; and then, if at the end there should be a defect of jurors, that will be the time for my learned friend to make the application. But there will be no necessity.

The *Attorney-General*.—We have heard with our own ears that nine gentlemen have claimed exemption.

Mr. *Macdonogh*, Q.C.—Some of those are those who have answered.

Mr. Justice FITZGERALD.—Mr. Attorney, the course pointed out by Mr. Macdonogh is the regular course.

Clerk of the Crown.—Number ten on the jury panel—Hugh Lloyd.

Mr. *Macdonogh*.—He does not appear at all.

Clerk of the Crown.—Number eleven—James R. Corcoran. Mr. Corcoran is in the box.

Mr. *Macdonogh*.—I would ask your Lordships to say that if there are sufficient grounds for objection, this is the time.

Clerk of the Crown (to Mr. *Corcoran*).—"You shall well and truly try and true deliverance make between Our Sovereign Lady the Queen, and the traversers at the bar, and true verdict give according to the evidence, so help you God."

Mr. Corcoran sworn.

Clerk of the Crown.—Number one on the panel, Henry Dockrell. Does he answer?

Mr. *Campbell*, Barrister.—If your Lordships please, I am instructed to appear and claim exemption for Mr. Dockrell, on the ground of physical infirmity. I have the affidavit of Mr. Dockrell himself, and also the certificate of his doctor. The affidavit of Mr. Dockrell, is to the following effect:—"I Henry Dockrell, of 41, South Great George's-street, in the city of Dublin, merchant, do make oath and say, that I am summoned to attend as a juror, the trials in the Court of Queen's Bench, Dublin, commencing on the 28th instant. I say that I have been afflicted with very great deafness since my childhood, and I am certain, were I compelled to attend the said trials, I would be wholly unable to hear any of the said proceedings, and I refer to the certificate of Dr. Fitzgerald, of 27, Upper Merrion-street, bearing date the 23rd December, 1880, hereunto annexed, and on which I have indorsed my name at the time of making this declaration." The certicate of Dr. Fitzgerald, is to the following effect:—"I reside at 27, Upper Merrion-street, in the city of Dublin. Upon the 23rd December, 1880, I examined Mr. Henry Dockrell's ears. I found the whole of the right ear very defective in hearing; his left ear is less, but still it is sufficient to make one of the opinion that he is totally unfit to serve upon a jury. The cause of the deafness, arises from a chronic affection of the tympanum." Mr. Dockrell, has been examined by another doctor, who has not had time to make a certificate, but he is here in Court to be examined.

Mr. Justice FITZGERALD.—What do you say on either side? This comes within the exemption of the Act of Parliament, that no person suffering from physical infirmity shall be fit to serve. This seems to be an infirmity to unfit one.

The *Attorney-General.*—It is so specified in the schedule to the Act.

Mr. Justice FITZGERALD.—I am reading from it. Therefore we must exempt Mr. Dockrell. You may leave the box, Mr. Dockrell.

The *Clerk of the Crown.*—Number five on the jury panel—Joseph P. Culverwell. Does he appear?

Mr. *W. D. Andrews*, Q.C.—May it please your Lordships, I have to apply on behalf of Mr. Culverwell that he be excused. I apply on his own affidavit in the first place, in which he states that he is in his sixty-fifth year, and "I have recently met with a family bereavement which has affected my nervous system. My health is at present, and has been for some time past, very delicate, and I am persuaded that the least cold would bring on an attack of bronchitis, to which I am subject. I had an attack within the last two weeks, and under medical advice I am obliged to take the greatest care to avoid cold. Dr. Wheeler has examined my state of health, and I am persuaded that if I am obliged to serve as a juror in the present state of health my health will give way before the trials terminate." He adds that he is the Secretary of the Great Northern Railway Company of Ireland, and that his absence for any lengthened period would be productive of very great inconvenience. The certificate of Dr. Walter, of 20 Stephen's-green, doctor of medicine, and a member of the Royal College of Surgeons, is attached to the affidavit. Dr. Walter says, "Mr. Joseph Culverwell has been for some time under

medical care for rheumatism and sciatica, as well as bronchial affection, attended with extreme weakness and depression. He was confined to the house, and, although better now, he is only able to attend his office partially. In my judgment, owing to his state of health at present, and the general debility and the relaxation he is suffering from, he is quite unfit to attend as a juror, and should he be required to serve upon the jury at the approaching State trials, which, as I understand, are likely to be protracted, I should be apprehensive of a complete break-down before the trials are over." These affidavits were made on the 25th. The following is the certificate made on Sunday last, the 26th, from Dr. Walter, of Stephen's-green :—" I have this day examined Mr. Joseph P. Culverwell. He is suffering from slight bronchial affection, which, however, drafts or exposure would develop into a severe attack. His general health appears to have broken down, and, in my opinion, he is unfit for any long day's business, and certainly not for such a strain as would be involved in serving as a juror on a long trial." On the grounds of infirmity, I ask your lordships to excuse Mr. Culverwell.

Mr. Justice FITZGERALD.—Have you any observation to make with regard to Mr. Culverwell on either side? Then we think Mr. Culverwell's case comes within the definition of infirmity—infirmity of that character which unfits him for service on a jury. Therefore we exempt Mr. Culverwell.

Clerk of the Crown.—Number seven on the jury panel—Richard Hunting.

Mr. *Casey*, Solicitor.—I appear for Mr. Hunting.

Mr. Justice FITZGERALD.—He is not here. Your case will be one of relieving him from a fine.

Clerk of the Crown.—William Hopkins, number twelve on the panel.

Mr. Hopkins sworn.

Clerk of the Crown.—Number fifteen on the panel—Edward Hurse.

Mr. Hurse sworn.

Clerk of the Crown.—Number two—William Burke.

Mr. *Crean*, Barrister.—Mr. Burke appears, and I have to ask your lordships for an order relieving Mr. Burke from serving as a juror. I refer to the affidavit of Mr. Burke himself, and to the affidavit of Surgeon Wheeler. Mr. Burke says he is now on his 70th year. "I refer to the certificate of Dr. Wheeler, of 27 Lower Fitzwilliam-street, Dublin, hereto annexed, and on which I have endorsed my name, and for the reasons stated on that certificate, I consider myself unfit, in my present state of health, to serve upon a jury, and if compelled to serve on a jury for any length of time it would have a very dangerous effect on my health. My name was struck off the Jurors List in '73, on account of age, and on the passing of a later statute my name was given in the list subject to revision, and I was not aware that my name was on the Jurors List until the publication of the panel for the trial of this case." Dr. Wheeler has made an affidavit, in which he says :—" I am an M.D. of the University of Dublin, and Master of Surgery of Trinity College, and a Fellow of the Royal College of Surgeons of Ireland. I have attended medically Mr. William Burke, of 5 Lower Baggot-street. In the year '79, I performed the operation of lithotrity on him for the removal of stone from the bladder. He has been since under my care from time to time arising from the same disease, and at present medically consulting me. I positively say it would be most injurious to Mr. Burke, who has suffered from stone in the bladder, to serve upon a jury, or to be confined in the court for even two days. My belief is that it would imperil his life." On these grounds I ask that Mr. Burke be exempted.

Mr. Justice FITZGERALD.—You have made a case for exemption.

Clerk of the Crown.—Mr. Burke may leave the box. Number twenty-one—James Hughes. (No answer.)

Clerk of the Crown.—Number fourteen—Thomas Dunne.

Mr. Thomas Dunne sworn.

Clerk of the Crown.—Number thirteen—Joseph Mathers.

Mr. *Dillon.*—Challenge.

The *Attorney-General.*—I understand that the Court has decided that in a case of this kind a challenge lies.

Mr. Justice FITZGERALD.—I am not aware that the Court has so decided.

Mr. *Macdonogh.*—It was decided on demurrer.

Mr. Justice FITZGERALD.—By the Court itself?

The *Attorney-General.*—It was the case of the Queen *v.* Casey.

Mr. Justice FITZGERALD.—However, you don't insist?

Mr. *Macdonogh.*—I have the case before me—13th Cox, 645.

The *Attorney-General.*—I know the case.

Mr. Justice FITZGERALD.—Be it so—but for myself, I shall only add that this should not be considered as a precedent ruled by the Court.

The *Attorney-General.*—I can't say that I am prepared to admit the challenge. The decision in the Queen *v.* Casey came with very great surprise upon many members of the profession.

Mr. *Macdonogh.*—I have a right to challenge. It is written on parchment, and I hand it in, and his lordship can deal with it as he likes.

Mr. Justice FITZGERALD.—We permit you to read the challenge.

Mr. *Macdonogh.*—"Queen's Bench Division to wit, 28th December, 1880. By the Right Honorable the Attorney-General, &c., *v.* Charles Stewart Parnell, John Dillon, Joseph Gillis Biggar, and others, by their solicitors respectively, challenge Joseph Mathers, one of the poll returned for the trial of the case, under the provisions of the 10th section of the 39th and 40th Victoria, chap. 78."

Mr. Justice FITZGERALD.—You don't require writing for a peremptory challenge.

Mr. *Macdonogh.*—The fitting course would be to hand it in in writing.

The *Solicitor-General.*—They join in their challenges?

Mr. *Macdonogh.*—Certainly.

The *Attorney-General.*—I demur. The Act under which this challenge is claimed is the Jury Procedure Act of 1876—the 39th and 40th Vic., chap. 78. It is an amendment Act, and, to some extent, alters the provisions of the Jury Act of 1871—the principal Jury Act in Ireland, and another qualification Act made the same year. As I have said, the Jury Procedure Act, chap. 78, is the one under which the question arises here. It provides by section 10, that "in all civil trials in the "Superior Courts the plaintiff or plaintiffs on the one hand, and the "defendant or defendants on the other respectively shall be entitled "to challenge without cause assigned in all six jurors, and in the inferior "Courts in all three jurors, and in all trials of indictments for mis-"demeanour on informations the person or persons on trial shall be "entitled to challenge without cause assigned in all six jurors." Now your Lordships will observe that this clause provides that in trials of civil and criminal cases alike there shall be the same right of challenge—the same to parties in civil trials, and the same challenges to the defendant in a criminal trial. The Crown has no challenge properly so called. Your Lordships cannot fail to notice that in a civil trial each party has the liberty to challenge six, and the question then naturally arises, was this meant to deal with anything more than what was manifestly in the mind of the legislature—the ordinary procedure, which prescribed a general jurors book and a special jurors book, and required the Sheriff

to return thereout panels of each class—a certain number, say fifty or a hundred, to dispose of all cases civil and criminal. The principal Act prescribes the mode in which the jurors book shall be kept, and the mode in which the names shall be taken from the book, and how the Sheriff shall return the panel in all cases, civil and criminal, as may be necessary. The present trial arises under a different system, which we generally know as the old system. This system, in point of fact, although to some extent regulated by statute, is as old as the common law itself. It is the process by which the Sheriff brings in the list to the officer of the Court, and forty-eight unobjectionable names are drawn. Each party then, in substance, challenges twelve jurors, thus reducing the panel to twenty-four. That panel of twenty-four forms the panel from which the jury is to be taken before which the case is to be tried, and it is called the jury under the old system. This statute, amending the previous Act, deals I submit only with what we may call the new system. The 10th clause changes the law in that respect, and gives now, for the first time in legal history, a challenge in civil cases, and gives challenges also in cases of misdemeanour. It is obvious that in ninety-nine cases out of a hundred, where only twenty-four persons are returned on a panel, there will always be a default by some one of them; and it is equally obvious that where some would be in default, whilst others, as here, have claims for exemption; the result must be that you cannot have a jury to try the case at all, if each party, the plaintiff or defendant, may strike off six jurors. Suppose twenty-three had come, and that, alternately, the parties strike off jurors, one side must lose the challenge which the statute gives him, or there remains no jury to try the case. If twenty-three gentlemen appear to try the case, say an ordinary civil case, and each party strikes off six you would only have eleven remaining. It is obvious that this cannot be the meaning of the statute. It is very reasonable and right that each side should have six challenges when the panel, as under the new statutory system, contains fifty or a hundred names; but what object can there be, where there is only the limited number of twenty-four jurors, and where the panel had already been subjected to the challenges of the parties on either side, in allowing further challenges which would prevent the possibility of ever getting a full jury in the box. I am sorry to say it is our common experience, that you will never see twenty-four in the box, so as to allow of each party peremptorily challenging six, and thereby reducing the number to twelve, and this too exclusive of the challenge for cause, because this peremptory challenge is claimed in addition to the challenge for cause. As I said before, the result of my learned friend's construction of the statute would be that you would really never get a jury at all. It appears to me that the decision which was arrived at in Bridges *v.* Casey (13th Cox), rests simply on a narrow view of the part of the section providing for trials for misdemeanour, without regard to the rest of the clause and the absurdity of the result. The Chief Justice, indeed, seems to have thought it strange that where the parties had already struck off each twelve names out of the forty-eight, they should afterwards have each the power of striking off six more. He, however, did not think he was justified in allowing the demurrer, and overruled it. I do not think it appears to have been impressed upon his lordship that civil proceedings and criminal trials for misdemeanour are classed in the same way, and that a peremptory challenge, without cause assigned, is given in each case alike to the defendant, and in civil cases to the plaintiff; leaving untouched, of course, the challenge for cause assigned. In an ordinary

civil action the jury is got under the ordinary modern statutory system, but here we have what we call the jury under the old common law system. In dealing with the qualifications of jurymen, and the mode in which the Jurors' Book was to be kept and dealt with, the Legislature had of course to engraft the old system upon it, and thus you have the Act directing how the forty-eight names are to be taken out of the newly prescribed book; but all the rest of the process left to be regulated and conducted "as heretofore," *see* Act of 1871, section 39. It strikes me that the proper construction of the statute is that, in all cases in which the jurors are to be taken out of the statutory panel of fifty or a hundred names, each party may challenge six in civil cases, and the defendant may challenge six in a trial for misdemeanour. But that the provision has no application, and was not meant to apply to the case of a panel of twenty-four jurors obtained under the old common law system, where each party has already struck off twelve from the original forty-eight selected. It is at all events desirable to have the matter determined by the Court, and I submit your Lordships should not allow the challenge put forward.

Mr. *Macdonogh*.—On the part of the traversers I respectfully submit that my learned friend has adduced no argument to affect our right. My learned friend has argued *ab inconvenienti*, a supposed inconvenience that might arise. That argument, *ab inconvenienti*, has no force in law, provided the language of the statute is clear. My lord, any one that will reflect upon the rights of prisoners and traversers previously existing, and the enactment of the tenth section of the Statute of '76, will at once estimate and appreciate the object of the Legislature. In cases of treason-felony—one time that was supposed to be limited to particular cases of felonies, afterwards the courts ruled contrary, according to the plain language of the statute. A party had certain rights of challenge without any cause assigned. In misdemeanours he had none, and, therefore, it was frequently resorted to by the Crown to indict for a misdemeanour, in which case there would be no challenge, and they would more readily reach their object, namely, a conviction. That was the course of things, and it was felt to be a serious inconvenience, and therefore this section plainly, absolutely, and categorically enacts, in language of the simplest and most intelligible character—the tenth section says, "and in all trials of indictments for misdemeanour"—universal "all"—"in all trials of indictments for misdemeanour and informations—in 'all' informations, the person or persons on trial shall be entitled to challenge without cause, assigned in all six jurors"—language about which no second opinion can be entertained. There is no doubt, there is no inconvenience. This was a special jury. You may remember on motion, the notice of motion did not say a jury under the old system. It followed necessarily because as said, the thirty-ninth section of the statute enacts the same course to be pursued as had ever been. By the polls in the office, and the withdrawal of twelve on each side out of the forty-eight—that was no challenge at all. They never were on the panel, and it is only where persons were on the panel that challenges applied. You challenge the array of the panel or polls of the panel, but until there is a panel there never is a challenge, and that is decided law. Therefore the proceedings in the office were not a challenge at all. But to avoid any species of corruption, to prevent the dominating influence of the Crown, or if there should be such a thing, the influence of the defendants, each party has a right to remove twelve out of those called from the box—the forty-eight. But these twenty-four were never on the panel, and consequently were never subject to challenge at all. The

Attorney-General endeavours to suggest an inconvenience, that this possibly could not apply to a jury so struck so much as to the mode of arranging the jury ; but the language of the Act of Parliament is, that that jury shall be a jury not to try the case, but returned to try the case. Therefore that stands in the same predicament, *quo* any right of the subject, as to a jury called under the common law, or called in any other proceeding where the Crown and the prisoners have certain rights. They are a jury returned to try the case when we are assembled here. Then comes the question—What are the rights of the parties ?—and on the part of the subject I claim from this high Court that their decision should be in all trials of informations—where the Attorney-General or a private prosecutor should obtain leave to file criminal informations—that in all informations the persons on trial shall be entitled to challenge, without cause assigned, in all six jurors. We approach this argument, having before us the decision of the Lord Chief Justice of Ireland, and my learned friend the Attorney-General is under a slight misapprehension when he said the case was not brought before him in a particular light. It was argued in a most full and satisfactory manner. There was a regular peremptory challenge, and a demurrer was taken on the part of the prosecutor. Mr. Butt, with Mr. Wm. O'Brien and Mr. Roche, argued and referred to the statutes. He pointed out that in case there should be a defect of jurors there is provision made to prevent such an inconvenience. By the 3rd and 4th William IV., chap. 91, sec. 28, it is enacted that where a full jury does not appear the Court has power to supply the defect by ordering, through the Sheriff, *tales de circumstantibus*. By the 34th and 35th Vict., chap. 65, sec. 39, provisions are made preserving the practice in case of a jury struck under the old system. The Lord Chief Justice introduces an argument not urged at all. I quarrelled with a portion of that argument of Mr. Butt's, but it is not necessary that I should discuss that now. He described what the ancient common law rights were, and I think he was under a slight misapprehension *quoad* the *tales de circumstantibus*. But the Lord Chief Justice says it is admitted the accused always had a right of challenge for cause. The question now is, can he challenge six without cause ? That is a pregnant observation when fully understood. It is admitted that of the twenty-four gentlemen, even though struck in the office, and the reduction had taken place in the office, we had a right to challenge for cause. That is the right of the subject. It is a new right given to us by reason of the inconvenience felt by counsel defending prisoners, and the inconvenience of traversers that they had no right, in cases of misdemeanour, of challenge. The importance of the argument is—it is admitted the accused always had the right of challenge for cause. The question now is, can he challenge six without cause. What inconvenience would occur in the case of a challenge without cause. We might reduce the whole panel, but the law of the land provides, in the case of a panel not being full and complete, a remedy. I may have occasion in this case to illustrate that law, but I may remind the court that I am not addressing myself to that branch of the law, but as to the *tales de circumstantibus*. It is most singular to say that these are not yet conferred by this new Act of Parliament except in particular cases. To this trial at bar this does not apply, and it is a singular *casus omissus* in the statute. Sergeant Armstrong, with Sergeant Heron and Mr. Peter O'Brien, were for the prosecutor in support of the demurrer, and they argued that when an order was made in this court for a special jury to be struck under the former practice it remains unaltered, that when a jury was so struck by no possibility can any other

jury try the case, except that particular jury; and if there was not a sufficient number of them attended there is a remedy provided. Yet, when according to the old system forty-eight were returned by the sheriff, and the parties appeared in the Crown office, and twelve were struck off on each side, reducing the panel to twenty-four, and where of the twenty-four fifteen entered an appearance, the defendants had a peremptory right to challenge six, there could never then be a panel of twelve found. If recourse was had to a *tales de circumstantibus*, and if a wrong verdict was given by a jury partly composed of talesmen, by no possibility could it be remedied. If a jury was found otherwise we submit the case for the prosecution should go on. This was the case in the Queen *v.* Gray, where the question was did the right to challenge exist in cases of felony, and Mr. Justice Perrin thought a different practice existed, but he still would overrule the challenge for the purpose of having the case settled by the court. It is the universal practice to allow a demurrer to the case of the Crown. No case can be cited in which this was not done. "He was about to reply for the defendant when stopped by the Court." The Chief Justice says "the terms of the 10th section are plain and unmistakable. It provides that in case of trial of misdemeanours, the person or persons on trial shall be entitled to challenge in all six jurors. No matter what my own opinion may be regarding the expediency of such a provision I must abide by it, but it is extraordinary that the Legislature should allow it to remain so, and that a defendant having peremptorily struck off twelve should have the power to strike off six more. Yet I cannot escape from the plain words of the statute. I cannot allow the demurrer under these circumstances. I therefore overrule it." And I sincerely hope that this High Court will ratify that decision and give to the subjects of Her Majesty the right which the statutes extended to them—the right of six peremptory challenges without cause assigned. This is not the way to reason away statutes. If the language were plain they were not to look to what might be convenient or inconvenient. The Court is bound to ascertain the intention of the legislature from the plain meaning of the language of that particular enactment, and if you find the language of the statute plain and clear, I respectfully submit you have no option but to give effect to it. If the language is plain, clear and unambiguous, corresponding with its context, I submit to the court that my clients are entitled to the challenge. And I think it is better under the circumstances to abide by the decision thus announced. Under the circumstances it appears to me that there will be no risk in the present case by not having a full jury to try the case. We have eighteen gentlemen here; we have four sworn upon the jury, and no difficulty can arise; but if a difficulty shall occur, I shall point out a mode by which the Gordian knot will be cut. There is no difficulty in having a full jury to try the case, and I hope you will abide by the language of the statute. Parliament now sat during the greater part of the year, and if there were any doubt about the construction of the statute Parliament could be referred to to set it right, but in the meantime the judges should abide by the plain language of it, and not suppose an intention in the legislature, and then twist the words in order to form a basis for that intention. The Court is bound to interpret the meaning of a statute from its language. From that High Court I have frequently heard that principle enunciated, and I will not quote a single case upon the construction of the statutes having heard from this Court an admirable elucidation of the law.

Mr. *Walker*.—In addition to what my learned friend has just said I

wish to call attention to the first four sections of the Act of 1876. The first provides that the Juries Ireland Act is amended by this Act, and these Acts shall be considered together as one. Therefore your lordships are dealing with three Acts of Parliament as if contained in one, and have to deal with one code and not three codes. The Act of 1871, which is now to be taken as part of the Act of 1876 combines two systems. This jury which the Crown sought for in this case, and have obtained with a knowledge of the infirmities that might happen, and with a knowledge of the defects of jurors—the 39th section opens out a mode by which it might be obtained by the Crown, and by the Crown it was obtained. The question of inconvenience has been raised, and it is clear and without doubt. If there be a doubt, let that doubt be given in favour of the liberty of the subject. But I apprehend there is no doubt, and your lordships will bear in mind what the provisions of the Act of 1871 are, containing two modes by which the panel may be obtained—one the ordinary way under statute, and one other a panel struck before the officer, a practice brought down from old times. These two are now contained in the one Act, with which the Act of 1876 is incorporated, containing one clear express provision, in which the word "information" is named, and it is impossible to strike that section out of the code which applies to both classes of jurors. Let us remember what was this old proceeding that was referred to. It grew not out of the statute, but out of an old and ancient practice. The old jury was returned according to Lord Coke, in which the venire was stated to be twelve, but by a practice as ancient as the law. The sheriff was ordered to return twenty-four in order that challenges might not exhaust the panel, and the way this special jury grew up was by an order of Court (Salkeld's reports first volume page 405). The rule of Court declares that they shall go before the officers, that the officers shall select forty-eight, that each may strike off twelve, and then the remaining twenty-four are to be the panel to try the issues depending. That is not however as a challenge. That is a mode to remove incapacitated men—dead men, men not present when the case is called on. That the provision for challenges was not intended, there was proof, because it was decided by the House of Lords in the case of Long *v.* Barrett—3rd H. L. Cas., 395. According to that old practice of the rule the Court did not go on to say that each party was at liberty to strike off twelve, the officer returned only twenty-four. That was exactly making the number twenty-four, assimilated to the number under the old principle which it was the duty of the Sheriff to return. That being so, we have two codes, one under the 18th and 19th sections, under which the Sheriff returns a sufficient number of names from the general juries book, and for the purpose of that proceeding, to provide for impartiality in those names, a mode is pointed out by which the jurors shall be appointed by rotation in alphabetical series ousting even the right of the Sheriff to make a selection. It is true, that, under that panel, a larger number may be returned than in this case, but they are not returned for one case, but for a hundred. But when we come to the 39th section we find twenty-four, the old number under the common law, returned in this way. It does not say that they are to be the jury to try the case, but the 33rd section says "Every jury so struck shall be a jury returned for the trial of such issue," and after that there is a mode of summoning them. Then follow a number of other sections, every one of which must, from their very nature, apply to the jury that is to be summoned under section 39. This Act has provided and carefully guarded against, in each and every case, no matter what,

how, what it calls the jury panel, is to remedied in case of any defect of jurors. In one case the jury panel returned in the ordinary way—the Act provides a clear procedure by the *tales de circumstantibus*. The other section provides a clear procedure by which, in this case a trial at bar, this defect may also be remedied.

Mr. Justice FITZGERALD.—What section is that?

Mr. *Walker*.—The thirty-second.

Mr. Justice FITZGERALD.—Are you quoting any particular case?

Mr. *Walker*.—No, my lord. By the thirty-second section if there is any defect of jurors you have a *tales de circumstantibus*, and we will be able to point out that there is also a procedure to supply a defect of jurors in the case of ——

Mr. Justice FITZGERALD.—I thought you said there was a procedure under the statutes?

Mr. *Walker*.—It leaves free the common law to give your lordships that power. Now, these Acts being read together, is there any doubt suggested by the words of the Act of 1876—"In all trials of indictments for misdemeanours and informations, the person or persons on trial shall be entitled to challenge without cause assigned in all six jurors." Without cause assigned—that is pointing to the fact that they have a right to challenge for cause assigned. The words of the section are clear, and I ask your lordships now to adopt the plain meaning of the words, and bearing in mind the decision of Chief-Justice May, to adopt his decision in this matter, and not to have one rule in the case of the Queen *v.* Casey, and another in the case of the Queen *v.* Parnell.

The *Solicitor-General*.—My learned friend, Mr. Walker, argues that because an Act of Parliament, dealing with the same subject as a former Act, contains an enactment that the two Acts shall be read and construed together, therefore such enactment has greater force than the ordinary rule for the construction of statutes, that Acts in *pari materiâ* shall be read together. But I must say that argument is not entitled to much weight. The rule of construction is the same whether the latter Act does or does not contain such an enactment—these Acts are in *pari materiâ*—therefore they are to be construed together, and their construction is to be reasonable. It is, therefore, to what is the reasonable construction that I shall apply myself. The argument on the other side is simply this—the words of the 10th section of the Act of 1876 are, "In all trials of indictments for misdemeanour and informations the persons or person on trial shall be entitled to challenge without cause assigned in all six jurors." This is the trial of an information, and therefore the right of challenging without cause assigned six jurors in all exists in the present case. I shall proceed to show that there is no basis for that argument. The Jury Act of 1871 constituted a new scheme by which jurors should be returned to try cases, and for that reason it became necessary to introduce the thirty-ninth section into the Act, which otherwise, in cases of special juries struck under the old system, would remain as before, and could not be worked. Your lordships will accordingly find that the first portion of the thirty-ninth section deals with the way in which the jurors are to be ascertained out of whom forty-eight names are to be obtained by ballot, and the remainder of the section merely applies the old system of putting the forty-eight names in the box, and taking them out by ballot so as to arrive at a selection from whom those who are to try the case are to be taken. Your lordships will find at the close of the thirty-ninth section this clause, "And the said officer shall afterwards make out for each party

a list of the forty-eight names in the order in which they shall have been drawn," and then follows, "And all the subsequent proceedings for reducing the said list of forty-eight names, and all other matters whatsoever relating to special juries shall remain and continue in force as heretofore except where the same or any part thereof is expressly altered by this Act." That being so, the only object of that section (and that is the way to come to an understanding as to the construction of the statute) was to reconcile the plan of striking a jury under the old system with the new scheme—taking jurors by the alphabetical series. When that was done, the forty-eight names were ascertained as of old, and the twenty-four names were also ascertained as of old. What is the new practice contended for here? I apprehend you will decide that the proceedings which took place before the master of your lordship's Court were in point of fact *in facie curiæ*; the same challenges for cause, the same exemptions, and the same objections were made to all the names as formerly for the purpose of ascertaining the forty-eight names. In the old time, when the forty-eight came into Court, challenges were peremptorily for twelve on each side, and accordingly these twelve peremptory challenges being given, twenty-four remained under the old law for the purpose of having an impartial jury. If speculation is admissible as to the object of this course, the intention is plain—to, as far as practicable, prevent its being known whom the twelve men are who shall form the jury until they appear in the box, otherwise they might be subject to influences not desirable to expose them to. The statute having preserved the right that existed before, when the twenty-four men came into the box, the challenges for cause remained as under the old law, and remain so still. It is not an argument *ab inconvenienti* at all. It is to be pointed out that the consequence is that when the panel is reduced to twenty-four, and the twenty-four come into the box, the peremptory challenges by the defendant would enable him to strike off six without cause, and after that as many as he pleases for cause. That might reduce the number left below twelve, and if that was what the statute intended would not the statute have made provision for *tales de circumstantibus?* Why was not that provision made? Because the statute is not intended to interfere with the former law and practice except so far as was necessary to reconcile it with the present law of jury by alphabetical series. If that be so, what argument can be derived from the mere insertion in the subsequent Act of a section not in any way dealing with such a jury under the old system. "That in all civil trials in the Superior Courts the plaintiff or plaintiffs on the one hand, and the defendant or defendants on the other, respectively shall be entitled to challenge, without cause assigned, in all six jurors," giving plaintiff and defendant correlative rights. That, however, applies to juries who try civil cases generally, and not to the exceptional case of a jury struck under the old system, and that is further proved by the fact that the 47th Section of the Jury Act of 1871 excluded certain kinds of cases. The Legislature, therefore, did not intend that the 10th Section of the Act should apply to such cases as the one in which we are at present engaged.

Mr. Justice FITZGERALD.—Has this question been already decided in any Civil Court?

The *Solicitor-General.*—As far as I have searched I cannot find any case in which it was.

Mr. Justice FITZGERALD.—The Crown, as a public prosecutor, has, do you say, no right or authority to direct a juror to stand by?

The *Solicitor-General.*—I hold there can be no doubt as to the right of the Crown in general; but I am not aware that there is any case. It would, however, be very different from the right of peremptory challenge. In the latter case the juror is discharged from serving, whereas in the case of a juror directed to stand by he may afterwards be called upon to serve.

Mr. Justice FITZGERALD.—With reference to a special jury struck as this is, under the old system, has the Attorney-General ever exercised the right of directing a juror to stand aside.

The *Solicitor-General.*—No; not so far as I am aware. The peremptory challenge discharges the juror from the jury altogether. If the Crown orders a juror to stand by there may be a challenge for cause.

Mr. Justice FITZGERALD.—I knew that.

The *Solicitor-General.*—Of course, my lord.

Mr. Justice FITZGERALD.—My own impression—and it is a rather strong one—is against the decision to which I have been referred by counsel. I have no doubt whatever that the language of the Act of Parliament and of the section is precise; but it is only on a minute review, which I do not intend to adopt at present, of the several provisions of the statute, and of the whole code, that I derive my present impression—an impression which I should be prepared to act upon if I was sitting alone. My impression is that the wording of the Act can be satisfied without including in it the provisions of the 10th section of the Act of 1876 to a special jury under the old system. My impression is that the Legislature did not intend, upon a close and minute review, a careful examination of the provisions of the Act, that the Legislature did not intend that the 10th section should apply to a case in which the jury had been struck under the old system. The intention was to leave that, where not expressly provided by the Act of Parliament, as it stands at common law. I certainly think that before the passing of this Act there was nothing like a peremptory challenge, nor, on the part of the Crown, a right to direct a juror to stand by. But I find, on the other side, the decision, on demurrer by the Lord Chief Justice, and my brother, Mr. Justice Barry, who had somewhat considered these matters beforehand, has spoken to the Lord Chief Justice, who informed him that he adheres to his former opinion, as expressed in that case to which we have been referred. In addition to that, the opinion of my brother Barry is in accordance with the Lord Chief Justice, and, that being the state of the authority, I think the better course is that I should withdraw my opinion, and the judgment of the Court will be that the challenge is allowed.

Mr. Justice BARRY.—The question is one of very grave doubt, and very grave difficulty. I think it is impossible to conceive that this question of the right to challenge, in the case of a jury struck under the old system, was before the mind of the person who prepared the tenth clause. At the same time I cannot set aside the express language of that section to meet an argument which seems to me is entirely based on the argument of inconvenience. I think it would be inconsistent with the well-known rules for the construction of statutes to traverse from one section to another to overrule it. If I was allowed to speculate on such a matter I would come to the conclusion that the tenth section of the Act was not intended by the Legislature to deal with such a case; but I am not prepared for the decision—the very careful decision—of the Lord Chief Justice in this Court, a decision which I know he is prepared to abide by. The rule of the Court is to overrule the demurrer, and allow the challenge.

Mr. *Goodman.*—I will now go on with the calling of the jury. No. 9 on the panel, Stephen Mullen.

A Voice.—There is no such person residing in Ireland as Stephen Mullen.

Mr. *Goodman.*—No. 24 on the panel, John Bercury.

Mr. Bercury answered, and was sworn.

Mr. *Goodman.*—No. 17 on the panel, Thomas J. Smith.

Mr. *Theodore Ryland.*—I am instructed to make an application that this gentleman may be excused on the grounds that he is an officer of the Post Office, and paid by the public taxes.

Mr. Justice FITZGERALD.—What is his office?

Mr. *Ryland.*—It is that of cashier of the Accountant's department of the General Post Office in Dublin.

Mr. Justice FITZGERALD.—Is his salary paid out of the public taxes?

Mr. *Ryland.*—Yes, my lord.

Mr. Justice FITZGERALD.—That seems irresistible; we must allow that.

Mr. *Macdonogh.*—And we say nothing.

Mr. *Goodman.*—No. 6 on the panel, James Tyrell.

Mr. Tyrell answered, and was sworn.

Mr. *Goodman.*—No. 23 on the panel, Thomas Crosby.

Mr. Crosby answered, and was sworn.

Mr. *Goodman.*—No. 3 on the panel, Joseph E. Mills.

Mr. Mills answered.

Mr. *V. B. Dillon*, junr.—Challenge.

Mr. *Goodman* (to the juror).—You may retire.

Mr. *Goodman.*—No. 20 on the panel, Joseph Mitchell.

Mr. *Mitchell* answered, and was sworn.

Mr. *Macdonogh.*—I see that Mr. Madders is still in the box.

Mr. *Goodman.*—You may retire Mr. Madders, if you please. No. 8 on the panel, Arthur Webb.

Mr. Webb answered, and affirmed.

Mr. *Goodman.*—No. 16 on the panel, Nicholas Hopkins.

Mr. Hopkins answered, and was sworn.

Mr. *Goodman.*—Mr. Patrick Macken?

Mr. Macken answered, and was sworn.

Mr. *Goodman.*—Richard S. Clifford? No answer.

Mr. *Goodman.*— No. 22 on the panel, Robert Woods. No answer.

Mr. *Goodman.*—Patrick Biggins.

Mr. Biggins answered, and was sworn.

Mr. *Goodman.*—Any gentleman not sworn may now leave the Court. Gentlemen of the jury answer to your names. James R. Corcoran, William Hopkins, Edward Hurse, Thomas Dunne, John Bercury, James Tyrell, Thomas Crosby, Joseph Mitchell, Arthur Webb, Nicholas Hopkins, Patrick Macken, Patrick Biggins.

The jury having answered,

Mr. Justice FITZGERALD.—We will either adjourn now for twenty minutes, or at two o'clock for twenty minutes.

The *Attorney-General.*—Perhaps it would be best to adjourn now.

When the Court sat again,

Mr. *David Ross* opened the pleadings. He said: My lords and gentlemen of the jury, this is an Information for Conspiracy. It has been exhibited in this honourable Court by Her Majesty's Attorney-General for Ireland against the traversers, whose names I need not trouble you by repeating. In the information there are nineteen counts or charges. The first count charges that the traversers with others—intending to impoverish and injure owners of farms in Ireland let to tenants in consideration of payment of rent—did con-

spire, combine, confederate, and agree to solicit large numbers of tenants, in breach of their contracts, to refuse to pay, and not to pay to the owners of farms, the rents which they, the said tenants, were and might become lawfully bound to pay, and which the said owners might become lawfully entitled to be paid under the said contracts of tenancy. The second count charges that the traversers, having the like intent as that mentioned and set forth in the first count, did conspire and agree to solicit large numbers of tenants (namely, those mentioned in the first count) to combine and conspire, in breach of their said contracts, to refuse to pay, and not to pay their lawful rents under their contracts. The third count charges that the traversers, having the same intent as that mentioned in the first count—namely to impoverish the owners of land—did unlawfully conspire to solicit large numbers of persons to unlawfully combine, conspire, and agree by divers unlawful means, to deter and prevent such tenants from paying their rent, and to cause and compel them not to pay to the owners of said farms, the rents that they were legally bound to pay. And the unlawful means I may read to you in detail once since they are in subsequent counts repeated. The means are, "by threatening to cut off and utterly exclude from all social intercourse and communion whatsover, and from all intercourse and dealings in the way of buying and selling, and other business, and to shun at all times, and in all places, as if affected with loathsome disease, and to hold up to public hatred and contempt, and to subject to annoyance, injury, and loss in the pursuit of his lawful occcupation and industry, any and every tenant of any such farm as aforesaid, who should pay to the owner thereof the rent which the said tenant was and might become lawfully bound to pay under his contract of tenancy." The fourth count charges a like intent, and that the traversers, having that intent, did unlawfully conspire by unlawful means to deter and prevent said tenants from paying their legal rents, and to cause and compel them, contrary to their own free will and judgment, to refuse to pay to the said owners the rents which under their said contracts they were legally bound to pay, and the unlawful means in this count—which I will also in detail read to you—are "by threatening and menacing violence and injury to the person and property of every tenant of any such farm as aforesaid who should pay to the owner thereof the rent which he the said tenant was and might become lawfully bound to pay under his contract and tenancy." In other words the unlawful means in the third count are social and business excommunication and damage, and in the fourth count are threats and menaces of injury to person and property. I can shortly explain the next four counts—namely, five, six, seven, and eight. They are in all respects similar to those which I have already mentioned, except that in the fifth, sixth, seventh, and eighth counts, the persons intended to be impoverished and injured by the acts of the traversers are described not as the owners of farms generally, as in the first four counts, but that class of owners who let farms at rents exceeding the valuation of such farms as valued by the Acts relating to the valuation of rateable property in Ireland, commonly called the Government valuation, and also that the tenants in the said counts from five to eight inclusive are the tenants of such farms and not tenants generally. Now that brings me to the ninth count, and that ninth count charges that the traversers with others intending to impede, hinder, frustrate, and bring into hatred and contempt the administration of justice, and the execution of writs, decrees and orders of the Courts of our Lady the Queen in Ireland, to wit, the execution of writs of *fieri facias* and of Civil Bill Court decrees issued forth of the said courts respectively for the levying of money adjudged by the said courts respectively to be

due for rent, did amongst themselves unlawfully conspire, and combine, and agree together to solicit, incite, and procure divers large numbers of liege subjects of the Queen to conspire by unlawful means to prevent goods or chattels taken in execution and offered for sale according to the exigencies of the said writs and Civil Bill Court decrees, from realizing such price as the same would otherwise bring, and thereby to impede and frustrate the execution of the said writs and decrees, and the unlawful means set forth in the said ninth count are, the agreeing together, as therein mentioned, not to buy or bid for any goods or chattels so taken and offered for sale as aforesaid, and threats of social and business excommunication and damage against every person who should buy or bid for any goods or chattels offered for sale as aforesaid. The tenth count charges, that the traversers, intending to defeat, frustrate, and bring into contempt the administration of justice in the execution of writs of possession and Civil Bill Court ejectment decrees, issued forth of said courts for the recovery of possession of land for non-payment of rents, did amongst themselves unlawfully conspire and agree together to solicit, incite and procure large numbers of persons in disregard of the execution of the said writs and decrees, and in contempt of the said Courts out of which the same had issued, unlawfully to re-enter upon and retake, and retain the possession of the lands from which they had been removed and evicted. The eleventh count charges that the traversers and others intending to impoverish and injure large numbers of persons owners of farms in Ireland from which any tenant had theretofore been or should thereafter be evicted in due course of law for the non-payment of rent and remaining unlet, did conspire, combine, and agree together by various unlawful means to deter and prevent every person other than the evicted tenant from taking or occupying as tenant and from cultivating or working for the benefit of owners thereof upon any of such farms, and the unlawful means in the said count mentioned are threats of social and business excommunication and damage against every person who should take any such farm except the tenant evicted therefrom. The twelfth count charges that the traversers and others with the same intent—namely, of impoverishing the owners of farms from which any tenant had been evicted for the non-payment of rent—did unlawfully conspire to solicit large numbers of persons to combine and conspire by unlawful means, to deter and prevent every person other than the evicted tenant from taking or occupying as tenant, and from cultivating, and from working for the benefit of the owner thereof upon, any such farms, and the unlawful means there mentioned are social and business excommunication and damage. The thirteenth count charges that the traversers with others, intending to prejudice, injure, and annoy in their lawful occupations, and to obstruct in the lawful exercise of their free will and judgment, all persons desirous of taking and occupying, as tenants, farms evicted for non-payment of rent and remaining unlet, did conspire and agree by unlawful means (namely, by threats of social and business excommunication and damage against every person other than the persons evicted from such farm who should take or occupy as tenant any such farms), to deter and prevent all persons other than the persons evicted from the said farms from taking and occupying as tenants any of such farms. The fourteenth count charges that the traversers, with the same intent, did conspire to solicit large numbers of persons to enter into a conspiracy, by like unlawful means as in the preceding count, to deter and prevent any persons, other than the persons evicted from any farm, from taking or occupying such farm as a tenant. The fifteenth count charges that the traversers with others, intending to impoverish,

prejudice, and injure landlords being owners of farms in Ireland from which any tenants had been evicted for non-payment of rent and remaining unlet and to hinder and obstruct them in letting their lands to the best advantage, did conspire to solicit large numbers of tenants to enter into combinations and agreements amongst themselves not to occupy as tenants any such farms, with intent by such combinations to hinder and obstruct their respective landlords in setting their lands to the best advantage. The sixteenth count charges that, with a like intent as in the preceding count, the traversers did conspire and solicit large numbers of tenants unlawfully to enter into combinations amongst themselves by unlawful means to deter and prevent any person other than the person evicted from taking or occupying any such farm, and the means are threats of social and business excommunication and damage against every person other than the person evicted who should take or occupy as tenant any such farm. The seventeenth count charges that the traversers, intending to prejudice and injure in their lawful occupations, and to obstruct in the exercise of their free will and judgment, persons who had taken or should take any farm from which any person had been evicted for non-payment of rent, did conspire and agree by unlawful means to compel and coerce such persons to quit the farms so taken and occupied by them, and the unlawful means are threats of social and business excommunication and damage against all persons other than the person evicted from such lands who had then lately taken and then occupied, or should take and occupy as tenants any such farm as aforesaid. The eighteenth count charges that the traversers, with the intent mentioned in the seventeenth count, did conspire to solicit large numbers of persons to conspire by divers unlawful means to compel the tenant who had taken such farms as are mentioned in the seventeenth count to quit the farms taken and occupied by them, and the unlawful means are like social and business excommunication and damage. The nineteenth count charges that the traversers unlawfully and with intent to cause ill-will and hostility between landlords and tenants, did conspire to cause and create discontent and disaffection between different classes of Her Majesty's subjects, and to excite and promote feelings of ill-will and hostility between landlords and tenants in Ireland, and feelings of ill-will and hostility towards the landlords of Ireland amongst the rest of Her Majesty's subjects in Ireland. Particulars of these charges were delivered to the traversers, and in due time each of the traversers pleaded not guilty, and put himself upon the country. Her Majesty's Attorney-General did the same, and the questions between the Crown and the traversers are now at issue, and at trial here.

The *Attorney-General*, stating the case for the Crown, said:—May it please your lordships: gentlemen of the jury, you have just heard my learned friend, Mr. Ross, open the pleadings in this case, and I do not intend to trouble you with any further statement of them. I shall rather endeavour to lay before you the nature of the charges in somewhat more popular language than was necessarily adopted in these pleadings. Gentlemen, the charges against the traversers are as you have just heard, charges of conspiracy. They are charged with inciting tenants in Ireland not to pay their rents—that is, not to pay the full rent that they had undertaken to pay. They are charged also, with deterring tenants whom they could not persuade from paying their rents. That is to say the conspiracy is alleged to be two-fold—conspiring to incite tenants not to pay rents, and conspiring to deter them from paying rents. The object in both cases is to injure—as you will find—the owners of land, or as has been said so frequently as to become almost a common form of expression amongst the gentlemen who are now on

trial "to bring the landlords to their knees." Now, gentlemen, if tenants are persuaded not to pay or deterred from paying the rents which they have undertaken to pay, the next matter that the traversers had to consider was, what would be the natural consequence of their succeeding in their endeavour? The next thing would, of course, be, that the landlord, who is entitled by law to be paid his contracted debt, as you are to be paid your debt—the landlord would sue for his debt in a Court of Justice, and the traversers must meet the difficulty. Supposing the landlord suing upon the agreement which his tenant made to pay the rent, gets judgment, either in the High Court of Justice, or in a Civil Bill Court, what was to be done then? Well, the next step was this—when the Sheriff had the writ for execution put into his hands—to get up local and other combinations to persuade people to agree not to buy. Let the Sheriff expose the goods for sale in obedience to the writ of this or any other High Court, and combinations amongst the tenants and others not to buy will meet the case; and then there is also the other course of combining to deter from buying anyone willing to buy by threats of what is considered by the traversers, and justly considered, to make life not worth living—what has been described by Mr. Ross as social and business excommunication—making a man's life so miserable that he would rather die than live. But, again, gentlemen, supposing that a landowner failing to get his rent, seeks that which he is entitled to if he does not get his rent, namely, his land, then the traversers had to consider what was to be done under those circumstances. The landlord, in that case, instead of bringing an action for the rent, sues for his land, and gets judgment for it. The device of the traversers, then, is to incite the people not to submit to the judgment of the Court, which declares that the landlord shall be put into possession, and, in defiance of the judgment of the Court, to reinstate the tenant. But suppose the tenant, after being so reinstated, is again evicted, the next stratagem resorted to by the traversers is to take care that the land shall remain profitless in the landlord's hands. This is to be effected —and we are told it again and again—by conspiring to prevent anyone from taking the land as a new tenant, and also to prevent anyone from being bold enough to work for the landlord in case he endeavours to cultivate the land, or make it profitable in any other way. The traversers say we will ourselves combine to induce the people to act thus, and as machinery for better carrying out these objects we will further conspire to induce the people to form local combinations or conspiracies for the same purpose. Gentlemen, one of the statutes of this country declares that combinations amongst tenants to prevent the landlords from setting their land to the best advantage are illegal, and two of the counts which Mr. Ross read to you are founded upon that enactment. The next step is, supposing anyone is bold or rash enough to take a farm from which another has been evicted—and a man may lawfully do such a thing—then what, say the traversers, are we to do with him? Why we must drive him out, and accordingly the expedient they resort to is to form local combinations to drive out anybody who is bold enough to take a farm of that kind by socially excommunicating him, and by holding him up to public scorn and hatred.

Well, gentlemen, you will find that these mischievous purposes have been effected in several cases—a statement which I make on the authority of the traversers themselves; because the peculiarity of this, as distinguished from most other criminal trials is, that upon the broad facts of the case I venture to think that there is no real controversy at all. The evidence which we shall adduce to you is chiefly the evidence furnished by the traversers themselves. Gentlemen, they have boasted of it—if I may venture to say so, they have gloried in it—they

have, at least, taken credit to themselves for the course they have thus adopted—and they have throughout insisted—whether they will do so now or not remains to be seen—that the course they have thus avowedly, and vauntingly, taken was perfectly legal, perfectly constitutional, and perfectly harmless and innocent. Well, gentlemen, if that were the issue between us here—I mean if that were still the issue that they desire to have tried—there was a very short mode of dealing with it. My learned friends might have simply demurred to our charges, contending that they did not disclose any legal offences. They have, however, wisely taken a different course. They have taken the chance of submitting to your decision the matter of fact—a question upon which I venture to predict, now at this early part of the case, you will in the end find that there is no real controversy—namely, did the traversers do the things with which they are charged? They take their chance of that, and reserve for further consideration the question whether, supposing they did do as we say, it was any offence. Now, gentlemen, all the different objects of this agitation and conspiracy are directed against the present owners of land for the purpose, as I have already said—using the traversers' own language—of bringing the landlords on their knees. And it is obvious that, in the course of these operations, they must of necessity excite a considerable amount of ill-will and hostility against the landlords as a class, amongst the rest of Her Majesty's subjects, and especially amongst the farmers. That, accordingly, forms the subject of the last count of the information. In what I have thus said I have endeavoured to give you an outline—meagre indeed—but still sufficient, I think, for the purpose of our present inquiry—of the general charges which we bring against the traversers. The first charge is conspiracy to stop the payment of rent, and the next is the conspiracy to frustrate the writs of Courts of Justice when judgment is obtained for levying the amount of the rent, or if judgment be got for the possession—frustrating that by trying to get the tenant put back; and if the land is left vacant to defeat the landlord's rights, by keeping his farm vacant, by rendering it impossible for him to get another tenant—by making it what some of the traversers have called a "model" farm, on which no living thing dare go; and if, in any case, that does not succeed, then conspiracy to drive the man out who takes the farm, and all this for the purpose of bringing the "landlords to their knees," that they may fly to London, as we are told, and ask for protection or for justice! Well, of course, as I say, an agitation such as this could not possibly be conducted without a large amount of abuse of the class against which it is directed; and the last charge in the information is one founded upon that, viz.:—that the traversers have combined to excite ill-will and hostility against the landowners throughout this country.

Now, all these objects, and many of the means too, as I venture to tell you under the correction of their lordships, are illegal, and, therefore, the combining for such purposes is criminal. But before I go further I take leave to say a few words as to the nature of this proceeding. You have heard that this is an information—an information filed by the Attorney-General. Now, an information filed by the Attorney-General is a very common thing in times of grave disorder, such as have now, unhappily, arisen in Ireland. Where there is not any substantial dispute—though there may, technically speaking, be some—but where there is no real dispute about the facts—where one party asserts that he has only done what is lawful, and the other that what has been done is criminal—it is a common thing to file an *ex-officio* information. It saves time, for one thing, which in this case is important—both to the Crown and to the traversers. It saves excitement in local courts, and it also avoids the needless indignity of having to

arrest a number of the traversers. Because if proceedings had been taken in the ordinary way by means of summons to a Petty Sessions Court, as the traversers live in various parts of Ireland, some of them would have had to be arrested under warrants from the local tribunals, before which they were brought to answer the charges. All this has been avoided by the present proceedings; and taking everything into consideration, the saving of time, and of excitement, and of the indignity of arrest, and that there is no real dispute about the facts of the case, the course taken of filing an *ex-officio* information, is, I submit, by far the most convenient, as, indeed, it is the usual proceeding in cases of this kind.

Now, as to the crime of conspiracy, gentlemen of the jury, the legal definition of it is simply this:—It is where a plurality of persons—two or more—agree together to effect some wrongful and unlawful purpose, or a purpose which may be lawfully effected—which may be even perfectly innocent—by unlawful means. It has been sometimes contended, and I dare say we shall hear the same again, that it is necessary that the means resorted to, or the objects sought to be attained, should be of themselves criminal. I now tell you, gentlemen, under the direction of the Court, that that is not necessary. It is quite enough that the object or means, one or the other, should be hurtful and mischievous to somebody and illegal. Thus, a combination among a number of people to injure another by stopping the payment of his rent—this, if it were done by one only, would be a civil wrong for which an action would lie, but if it is done by two or more in combination it amounts to the crime of conspiracy. The reason, I think, is plain. A man may be able to hold up and maintain himself against the mischievous efforts of one enemy; but if a number of people are working together to effect his ruin, the parties do not stand any longer upon equal ground; and the aggravated mischief that a combination of persons to effect an unlawful object involves changes what would have been a civil wrong, actionable only in a civil court, and for which damages might be got, into a criminal offence. Let me give you an example. If I were to attempt to injure the reputation for business solvency of any one of you, gentlemen, I should not be guilty of a crime, but I should be answerable to you in an action for damages; but if I got a number of people to join with me and go about spreading false rumours as to your monetary condition, or otherwise endeavour to destroy your commercial character, it would then become criminal, for this reason—that no man can always stand up against the combined attack of a number of enemies; and thus what would be a civil wrong on the part of one, becomes a criminal wrong when attempted by several acting together. In the same way, according to our law, it is not a crime for one person to effect the seduction of an innocent girl. It is sometimes indeed not even actionable—nay, the worst case is not actionable, as when a master seduces his servant. But if two or more agree to carry out the seduction of a girl by their machinations it becomes a criminal offence for which they must answer; and many other instances might be given you to the same effect. It cannot, however, be better illustrated than in the language of the Commissioners, one of whom was the late Lord Chief Justice Cockburn, who in the report on the Master and Servant Act of 1867, when discussing the nature of conspiracy, defined it thus:—"It is where with a malicious design to do an injury the purpose is to effect a wrong, even though not such a wrong as when perpetrated by a single individual would amount to an offence under the criminal law, and this on the same principle (say the learned judges), that any other civil wrong when it assumes a more aggravated and formidable character is constituted an

offence." Now there is the definition of conspiracy which those eminent persons have given, and which I present to you, subject to the correction of the learned Judges on the Bench, as one that has been repeated and acted on for a very long time—namely that to constitute the crime of conspiracy it is merely necessary that two or more should unite for the purpose of effecting an unlawful object, or for the purpose of accomplishing even an innocent object by unlawful means—in other words it is a union or combination of two or more to do something unlawful either as a means or as an end. Now, gentlemen, the combination here may be variously viewed. It is not easy to gather with any great amount of certainty from the whole of the speeches of the traversers, what the ultimate object or what the ultimate end of this agitation may be. But it is enough for us to say that the immediate object aimed at is mischief and injury to a large class of persons, and also that the means to be used are unlawful; and accordingly that a combination for those purposes is criminal and amounts to the offence of conspiracy. My lords, the last case in which a definition of conspiracy was given, or I may say repeated, for it has been almost a common form in our books, for the last fifty or sixty years, beginning with the Irish case of the "Queen *v.* Forbes," in 1823, adopted in O'Connell's case in the House of Lords in 1844, is the case of the "Queen *v.* Warburton," in 1870, reported in "Law Reports, Crown Cases Reserved—274." That was a case where two people agreed to effect an injury to a third, by interfering with his civil rights. The case came before the Court for Crown Cases Reserved, and Chief Justice Cockburn, after giving the ordinary definition, added—"It is not necessary in order to constitute conspiracy that the acts agreed to be done should be acts which, if done, would be criminal. It is enough if the acts agreed to be done—although not criminal, are wrongful—that is amount to a civil injury." The doctrine, indeed, is old, but this is the latest illustration of it.

Now, gentlemen, as to this crime of conspiracy—do not imagine that there is anything mysterious in it. Some people, perhaps, believe that the word "conspiracy" means some dark and secret combination, but that is an entire misapprehension. There is no doubt that if two thieves combine to pick your pocket they will need to practice secrecy for that purpose, and so, too, in combinations for committing various other offences. But there are, on the other hand, many combinations, especially those affecting the public, which do not involve secrecy at all, nay, which rely upon their publicity for their chief force, and this is one of them. Again, gentlemen, it is not at all necessary that the traversers, who are charged with conspiracy, should be the originators of that conspiracy. It is quite enough that they have joined a conspiracy already in existence. In that case they become, each of them, answerable for everything done before, as they are also answerable for everything done afterwards in pursuance of the common design. The only question, therefore, for you now is this—was there a combination of these traversers for an unlawful purpose? For the legal definition of the offence, of course, you will take not my description of it, but the definition which you will hear from the learned Judges on the Bench, but I have given the law to you as I believe it to be well settled, and you will, I have no doubt, find that it is neither more or less than what I have told you.

Now, what is the common design with which the traversers are here charged. Well, the openly avowed design of this agitation is to impoverish and injure the present owners of Irish land—that is the immediate object of it—to starve them out, as some of the traversers have expressed it—to bring the landlords to their knees, and as others have expressed it,

even more emphatically, to crush them. I do not suppose that any gentleman in that box would regard as innocent a combination formed for the purpose of crushing him or starving him out of his business, or otherwise driving him to become a suppliant to others for mercy or for justice. No, gentlemen, you would regard it—and justly and rightly regard it—as a most mischievous and criminal confederacy. And, now, I would ask your attention to the evidence we rely on to prove this mischievous design on the part of the traversers. You will, I think, find sufficient proof supplied out of the lips of the traversers themselves, that we do not wrongly describe their objects. This is an agitation going on now for twelve months, but for the present purpose I do not go back beyond, say, last summer. There is one of the traversers, Mr. Boyton, who is entitled the organizer of the agitation which is carried on under the name of the Land League. This gentleman goes about the country forming the local combinations—which, I may add, are more powerful, even for the immediate purposes of the mischief, than the central body, to which I have referred—and it was necessary, as it would appear, to employ a person specially for this work. Now, how does Mr. Boyton, the organizer of the local branches of the League, speak of its object? Here is his language, spoken on the 13th of June last at a meeting held in Newtown. "The organization," he says, "that is spreading over Ireland has in view a set of objects, and if they are enabled to carry out those objects—and without you we can do nothing—if you enable us to carry out those objects, we will make the property of the Irish landlords so worthless that the landlords will leave it to you." So much for one of the traversers. Now we pass on to Mr. Brennan, who is the Secretary of the Land League, and one of its most active members. Speaking later on in the same month, namely, at Ballinlough, on the 27th June, Mr. Brennan says—"You must commence at the root of the evil: you must starve out the landlords themselves, until you force them to agitate for a change in the land laws. We must enter into a holy conspiracy against them." Well, we may venture to differ as to the proper use of adjectives, but it is obvious from this speech of Mr. Brennan, one of the most active members of the Land League—that the object of himself and his comrades is to enter into a conspiracy against the landlords and to force *them* to agitate for a change! Then Mr. O'Sullivan, who is, I believe, the Assistant Secretary of the Land League, and also a very active member, thus describes it. It is the people of Ransborough that he is addressing on the 4th July, the following month, and he then says—"Stick to each other. If you be true to each other landlordism must starve in the country, and it is better for them to sell out in time than to starve out." Again, he uses the following language at a place called Dooneen, on the 22nd of the next month (August),—"You are assembled to bring that power which caused those evictions to its knees, aye, and to strangle it there." Mr. Boyton, too, on the same day at Ballingarry, in the county of Tipperary, said:—"We ask you to work within the law——" Now I have told you that before they came into court the cry has always been that this agitation is perfectly legal, and the people have been induced to join it by being told that it was perfectly legal—that they were doing what was perfectly innocent and within the limits of the law, and accordingly Mr. Boyton, the organizing member of the League, tells the people of Tipperary:—"We ask you to work within the law; but within the law we can point you out a way that will bring these men to the earth, and when there, crush the life out of them for ever. We propose to withdraw from these men the means whereby they live in luxury and in infamy."

I told you it would be impossible to carry on this agitation without

occasional abuse of that sort, and when I say "occasional," I think you will find as we travel through the evidence which it is our intention to lay before you—that it is not merely "occasional," but almost perpetual abuse, that has been all through showered upon the ten thousand Irish landlords, as if there was not a single honest man in the whole body! "We propose," cries Mr. Boyton, "to withdraw from these men the means whereby they live in luxury and infamy!" Then, again, one of our members for an important western county—Mr. Sexton, another of the traversers—spoke thus at Oulart, in the county Wexford, last October:—"Now, believe me, if you are not able to settle this question in Ireland yourselves—if you are not able to show in the next six months that you can bring a force to bear that will bring the landlords to their knees, you need never expect the British Parliament to settle it for you." Now, one more quotation from another traverser and leading member of the League. It is the best way of showing the combination of the traversers in these operations—to compare the language of each with the others. Mr. Dillon, one of the principal traversers, speaking at Clonmel on the 24th of October last, used this language:—"They will show the landlords (that is, the local combination—the tenants united in their local Land League) will show the landlords and the Irish Government, that in spite of their teeth, they will retain the lands of Tipperary, and will hold the lands of Tipperary; and when we have told them that lesson, for years to come you will find that the landlords of Tipperary will go, not to the Castle to seek coercion, but to Westminster, and say, 'For God's sake settle the land question.' Give them something—abolish landlordism—and let them be rid of their tenants." I do not think that I have wrongly described the object of this agitation as being to bring the landlords to their knees. That is the immediate object; Mr. Boyton, at Thurles, on the 14th November, urging "that it is their bounden duty to bring down the rents, and make the land cheap enough for the Government to buy." I don't know whether any of you gentlemen in business would like that process to be resorted to for the purpose of making your property easy to buy. It is one thing to take a man's property by force and to pay the value of it. Most people think even that bad enough; but first to reduce it as much below its real value as possible—perhaps to nothing—and then insist on buying it at the market price, thus forced down, is, I submit, somewhat dishonest. You, gentlemen, or I, at least, with our old-fashioned notions of right and wrong, would doubtless think that to be hard—to have our property thus dealt with; but that all the present owners of Irish land—the traversers themselves estimate their number at 10,000—should be made the victims of this agitation—their property depreciated so as to become hardly worth paying for, in order that other people may be benefited by getting the property at an under value, would not in ordinary times be thought to be a very honest, or I venture to say a very sane proceeding. That is not a course that would, I am sure, recommend itself to you, or one that could justly be adopted in any case, nor would you, I presume, very much like it to be adopted towards yourselves. Well, gentlemen, if this combination succeeds—if this conspiracy generally succeeds—and to a large extent it has succeeded—what must be the result?—why, of course, a general, or even all but universal repudiation of all engagements—no matter how small the debt or how low the rent—no matter how solemn the contract—no matter when it was made, whether last year, this year, or any other year—all will be treated in the same way—there must be a universal repudiation of the obligation to keep your engagement and to pay the money you undertook to pay. Now, gentlemen, our Irish

people are quick-witted enough. No doubt they are generally told—"Oh, it is only rent," "Pay everybody else, but do not pay the landlord his debt." But I venture to think, gentlemen, that when the people have reached that point, when they find they have this Land League dispensation from honestly keeping their engagements as to rent, they will, very naturally and logically too, extend it to other engagements also, as indeed they have largely done already. Thus the rescuing of goods seized for debt will not be found confined to those cases merely where the debt is for rent. No, I rather think the natural and logical conclusion that the people will arrive at, will be this—"If we need not pay rent we need not pay anything else either," and, accordingly, you may have seen, by the reports in the public press, that goods seized for ordinary shop debts have been rescued from the officers of the law just as freely and impartially as if they had been seized for rent. The advice indeed generally given to the farmers is "Pay everybody; pay the shopkeeper, pay yourselves for your labour, keep yourselves and your families in comfort, and if anything else is left, then offer that to the landlord." But the people see clearly enough that this new teaching means simply that they need pay nothing at all unless convenient; and once they bring themselves to adopt that principle, of course, they act accordingly all round. In short, the practical meaning of this Land League instruction is that debtors should pay six months after convenience, that is to say, pay whenever they like, or not at all if they don't like. Now few people do like paying, they consider it a disagreeable operation, but yet most men would, I hope, pay an honest debt, and many a poor man would give up all he had in the world to pay his debts rather than act unjustly and endanger his honest name. This is probably the first time in the history of Ireland when it has been preached broadcast to the people not to keep their engagements as they were morally bound to do, and what is the purpose and object of all this? The object is, according to the traversers' own statements, to bring the price of land down, and to make the landlords' property to little value in order that they may be bought out at a small price, and the land handed over to the tenant occupier. The formula used and adopted by the traversers is that those who till the soil must own it. That is a very pleasant doctrine, just for the present. I don't know whether it would be convenient for the tenant farmers when they have got the property of the landlords transferred to themselves to be told by Mr. Brennan, and others of the traversers, that to retain the land they must keep it in their own occupation, and must not let it to anyone? Well, of course, supposing the landlords to be crushed down and starved out—for that is the way it is plainly put—it does not matter so far as they are concerned. They are called by Mr. Nally, "blasted scoundrels," and I must remind you that that was language addressed to an excitable Irish gathering of thousands of people. Then can we wonder at some of the remarks of others of the traversers when this was the style of language in vogue. Mr. Brennan does not stop to call them murderers, attributing to them all the evils and the misfortunes of this country for many years back—back even to 1847; and Mr. Walsh calls them "cut-purses," and as if that was not strong enough to be intelligible to his audience he described them as "the sum of all that's villanous." Mr. O'Sullivan pointed their attention—believing they had not read history as profitably as he had done—to what had taken place during the horrors of the French Revolution at the close of the last century. He mentioned to them the mode in which the French people—"a sensitive people," as he said—got rid of their landlords—"They gave them a rope's length at every crossing." This, gentlemen, seems to me to be rather mischievous teaching,

and oratory like this repeated on all available occasions, at every one of the hundred and odd meetings that have been held throughout the country, must naturally bear its deadly fruit. It matters little, gentlemen, how violence may be deprecated in terms, and sometimes but mildly deprecated, if these agitators set themselves to work upon the feelings of thousands of people, to rouse their passions by language such as that, used with respect to the landowners with whom they are in close relations—it is not very wonderful that the people do not even stop at refusing to pay rents, but reduce the country to what we know to be its present disordered condition. These are mere specimens culled at random from the minor lights of this agitation. The other more important members, whom I may venture to distinguish as such—Mr. Parnell, Mr. Dillon, and other Parliamentary members of this conspiracy, do not, I am bound to say, descend to such vulgar abuse, but they indulge in language quite as significant. They describe the property of the landowners as founded in "force, blood, and fraud," and leave their audiences to draw their own conclusions as to how they should regard and how they should deal with those whose ownership is thus characterized. Now, gentlemen, in the language of some of these philosophers—because the communistic philosophy breaks out as such on several occasions, though you will not find it in the speeches of all—land, and, indeed, everything else should be the common property of all. One of these gentlemen (Mr. Brennan) seemed to be impregnated with the idea that land, as well as the sunshine, and the air should belong to us all in common. He has evidently been reading some socialistic books, with which people are not, I am happy to say, so familiar in this country as they are elsewhere. In the communistic dialect rent is land usury; interest on capital is money usury; what they call speculative profits are trade usury; the system being founded on this notion, that no man is entitled to any portion of the goods of this earth except in proportion to his own individual labour—meaning by labour, however, not merely those who occupy themselves in manual labour (none of them appear to have anything to say to land except Mr. Parnell), but being good enough to extend it to mental labour, or any labour such as that of a clerk. Any man, they say, who works his body and his brain is entitled to a share of this world's goods, but is not entitled to more than his fair share. Accumulated wealth—wealth laid by and acquired that your children or others dear to you may not need to labour—is regarded as so much robbery. There should, therefore, I presume, be a redistribution at the end of every generation to divide things fairly. The leading traversers indeed do not exactly preach this doctrine, but they allow it to be preached by some of their fellows as an incentive to the masses of the people to despoil the present landowners of their property. It would hardly suit the tenant farmer to be told that it is the necessary consequence of this teaching, that as soon as they get the fee-simple of the lands they hold transferred to themselves they will at once become what the landlords are now—in the language of the traversers, land thieves and land robbers—because it must be remembered that the tenants of Ireland do not constitute all the people of Ireland, and in all this crazy talk that the land of Ireland must belong to the people of Ireland, it must be borne in mind that there are not only 500,000 farmers, but also some 500,000 labourers, and that even if the land were divided amongst the former there would be still some millions of people who would be left out in the cold without any share of the land, which according to their doctrine should belong to all.

The whole idea is of course absurd. What is to be the result if every farmer in Ireland, and there are 500,000 of them, got handed over to him the fee of his own land. Must he himself till it? Can't he let

it to anybody? Well, to insist that he must keep it and till it, would be simply the most intolerable tyranny. No such enactment exists in any country on the face of the earth. Even where peasant proprietary is the rule, it is a common thing, as it must be in every civilized country, to allow people to sell or let as they like. The notion, therefore, that when a tenant becomes owner, he must till the land with his own hands, and not be at liberty to demise it to anybody else, may be at once dismissed as a perfectly impossible and impracticable theory. But if these small landowners may let their lands, and thus become landlords themselves, is it so very clear that the country must benefit by the change? If the ten thousand owners that exist now are land robbers and land thieves, because, as is suggested, they have wrongfully appropriated the land amongst them, must there necessarily be less misery in the country if the land were divided among five hundred thousand persons, leaving still some millions of people unprovided for? That every owner should keep the land in his or her own hands, and though a child or a widow with a small family, be incapable of letting it is, as I have said, absurd. In a very large proportion of cases there would, after a time, be letting, and then you would have the old proverb verified, that "When the poor man oppresseth the poor, it is like sweeping rain that leaveth no food." Instead of ten thousand land robbers you would, according to the traversers' principles, have five hundred thousand. But let us for a moment consider what are the means by which this change is to be effected. Don't suppose that I am arguing against the growth of a peasant proprietary by any natural or reasonable process. I am simply considering the compulsory transfer of Irish land from ten thousand present owners to some half million of other people, at, say, half price. How is that to be effected? Yet this is the object of the traversers. The creation of a peasant proprietary is not only an innocent object, but a very desirable object, if effected by proper means. Many of the highest statesmen are in favour of it, and hope to achieve it in an honest, peaceful, and practicable way. But what is the mode by which it is sought to be attained here, as proved by the speeches of the traversers themselves? By making the property of all present landowners practically worthless, and by exciting the rest of the population against them; so that with their properties greatly reduced in value, and their lives in danger, they may be made so anxious for a settlement that they will fly to England and ask Parliament to buy up their land at any price and give them peace.

Now, gentlemen, as was indicated to you in the opening of the pleadings, there are some of the charges here which allege the objects of the traversers to be mischievous and criminal in themselves, as being sought for the purpose of injuring the present owners of land in this country. That is one set of charges. Another set of charges alleges that, for the purpose of carrying out their objects, not only are landlords to be impoverished, but all other persons in the community are to be deprived of their free will; their own free judgment is to be overridden, they are not to be allowed to do what they desire to do, they are not to be allowed to buy at a Sheriff's sale, or to be allowed to take an evicted farm, no matter how desirable it may be; they are not to be allowed to do a days' work for wages on the land; and in fact all their freedom of will and liberty of action are to be borne down by the terrorism of these agitators and the associated and affiliated bodies which they have created throughout the country. My friend Mr. Ross has read to you a description of the threats and modes by which they seek to effect this—the illegal means by which they seek to control and overbear the judgment of all those persons whom they cannot persuade, namely by what is shortly called social excommunication. You will find in the

progress of the case that the means thus resorted to for carrying out their purposes are such, as indeed the traversers themselves avow, as to make life not worth having. The man is to be cut off from all social intercourse, nobody is to speak to him, nobody is to be seen speaking to him, and if anybody is seen speaking to him that person also is to be ostracised; nobody is to buy from him or sell to him, he is to be excommunicated and belled out of the public market, and his children are either to be turned out of school or the other children are to be withdrawn from school, and finally he is to be held up to public odium as an enemy of his country, as a traitor, and, according to the language of one of the traversers, as "worse than the robber soldier who pierced Christ on the cross." Talk of social excommunication, talk of merely moral pressure. Is it anything wonderful that this mischievous teaching, repeated for months, as to the mode by which a man who acts according to his good judgment and his own free choice in buying farm produce or taking an evicted farm, is to be dealt with by all around him—is it to be wondered at, I say, if outrage follows? If the people are to be taught that the man who dares to act according to his own wishes, as he has a right to do, is to be treated as a public enemy, as worse than a criminal, as worse than the robber who pierced our Saviour on the cross, they will not be slow to come to the conclusion that they may use something more than even this "moral pressure" upon him. He is held up as a leper, as an unclean thing, and all the resources of our language are employed by the traversers for the purpose of exciting the hatred of the people against the man who exercises his own judgment and free will, as every man in this hitherto free country has had the right to do. Although they say "don't shoot him"—oh, no—they excite the hatred of the people against him to the highest possible pitch they can and then leave the rest to fortune. But, gentlemen, assuming, as we may—for so they tell us—that the immediate object of the traversers and their confederates is to impoverish the landlords by reducing or stopping the payment of their rents, and that their ulterior object is to get the land for nothing, or next to nothing, each object being sought by means which I submit are illegal, and therefore constitute the crime of conspiracy; we have yet an ultimate object disclosed to us as the real goal which they desire to reach. We are told this with charming candour by several of the traversers. For example, gentlemen, Mr. Brennan, speaking at an important meeting at Westport, last October, let us see that after all the real object of the agitation and conspiracy was not to injure or easily buy out the landlords or merely to get rid of them. He says, "There is a higher purpose in all this—an ultimate end, namely, the restoration of our nationality. It is the duty of every man now to work to make Ireland a nation; and, when I say a nation, I mean no mockery of freedom. I mean Ireland mistress of her own destinies; Ireland with a national army to guard her shores, Ireland with a national Senate, and Ireland with a national government, which will know no higher authority than the sovereign will of the Irish people." Mr. Dillon also, gentlemen, gives us what he boasts to be the ultimate object of this movement. He says it is the cause for every Irishman to go into—whether Catholic or Protestant, whether Nationalist or not, it is a cause which every Nationalist should go into; because its object is to break down and defeat the English garrison which holds this country for England. That is to say, it is not for the purpose of giving the fee-simple to tenant farmers. That would not do, because, according to Mr. Brennan, every man is to have his share of the land, as well as his share of the air and sunshine. That is not the object then. The object is to defeat the English garrison, to clear the path for Irish Nationality by emancipating all the

people of Ireland from English landlordism, and settling them as freemen. Mr. Parnell says at another meeting, "The people of Ireland are to-day engaged in a great struggle for the land of their country, which was wrested from them seven centuries ago by force of arms. We believe we shall after a short period obtain possession of the land of this country." And finally, at Galway, he said—I dare say some of you will remember his words—"I would not have taken off my coat—I would not have troubled myself by attempting this agitation, except for the purpose of restoring," something that he describes or calls "Ireland mistress of her own destinies." I don't desire at present to dwell upon this, which appears to be the ultimate purpose of the traversers, namely, the disintegration of the Empire. But, turning to their more immediate designs, and taking it as their object to transfer the fee-simple of their holdings to the tenants from their landlords, I would observe that may be a reasonable thing, perhaps, if sought in a proper way and by proper means; but if it is sought by what according to ordinary understandings are dishonest means, by stopping or reducing the payment of rent to such an extent that the owners of the land may be defrauded of their property, or be forced to sell it at an under value, then I venture to say to you that this is a dishonest scheme, which no civilized country could tolerate for a moment.

So far I have been dealing generally with this agitation. I now must give you a rapid sketch of its history. It was begun —so at least they tell us themselves, for the evidence is here from their own lips—it was begun in the beginning of last year—sometime in the month of February, 1879. In the month of February, 1879, a gentleman who is not now on his trial, Mr. Davitt, began this movement in the west of Ireland. The first notable meeting we have any trace of was held on Sunday, the 20th April, at Irishtown, in the county of Mayo. The principal speaker there was Mr. Brennan, and I am bound to say that he there laid down the lines pretty much as they have been maintained to this day. The immediate object then was, as it still is, the abolition of landlordism. And I need hardly tell you that when a mass of our people are talked to about landlordism —that is an abstract term which does not carry any very definite idea to their minds, it does not convey anything half so definite as when it takes the form of the abolition of landlords; and accordingly whenever landlordism is mentioned you will find that though that abstraction only may be denounced by the orators, the popular response inevitably is "down with them, shoot them." You cannot shoot landlordism, you cannot shoot an abstraction, you cannot put down an abstraction; the idea conveyed to the tenants' mind is to put an end to the individual who stands to them in the relation of landlord, and which is the only form of landlordism they know. The early part of last year was undoubtedly a favourable time for an agitation of this kind. Our poor country had suffered very much from an insufficient harvest, and people in misery are willing to listen to any doctrine that promises relief. Unquestionably the movement which was began at Irishtown in April, 1879, has gone on increasing in volume very much from that day to this, on the lines laid down by Mr. Brennan, one of the traversers, and the only one in attendance there on that day. Mr. Davitt was the founder and inventor, but Mr. Brennan was, as it appear, the only traverser who attended there. He spoke of course with his usual fierceness of the institution of landlordism. He said then just what he says now about it, and added:—"I believe it is not on the floor of the House of Commons, but on Irish soil, that the struggle for independence must be fought. As Irish Nationalists we would be glad to see the enemies of liberty obstructed and harrassed,

no matter by whom, whether it be at Westminster or in Zululand (at this time you know the war was raging in South Africa), whether the attacking party be commanded by a Parnell or a Cetewayo." That, gentlemen, is the earliest meeting to which I mean to call your attention. Our report of it, indeed, is somewhat meagre, but it is an important meeting, as laying the foundation for all the subsequent agitation, and accordingly, the traversers and their confederates carefully celebrate its anniversary. There seems, indeed, to be some doubt about the precise day of the meeting. There was, at all events, an idea of holding it a day or two earlier—on the previous Thursday, I think, but that is not a matter of any importance. The next meeting was one held at Westport, a few weeks afterwards, at which Mr. Parnell made his first appearance on these platforms. He endorsed the action that had been taken at Irishtown some weeks before, and he then, I think, for the first time, formulates the well-known expression of asking the tenants, in fact adjuring them, to "keep a firm grip" of their homesteads and farms. Of course that means holding possession; because if a man could keep a firm grip of the land, and not pay the rent, so that the landlord could get neither the rent nor the land, they would be in a bad way, and being unable to get either the one or the other, I am afraid they would have to disappear, and make way for that new constitution of society so profusely promised to the people. That was a very considerable meeting. It is described in one of the papers as consisting of fifteen thousand persons. Mr. Parnell was there, with some others, and the people were told to keep a grip on the land, and pay only a fair rent. I need not tell you what this fair rent must really mean. It would be interpreted by each man according to his own idea of what would be convenient. From that day to this we have had the same thing repeated again and again. About that date Mr. Sullivan indorsed the new policy, and in an article in the *Nation* recommended it to the Irish people. He says, "We say"—that is those engaged in the agitation say—"he (the tenant) is not bound to pay his rent. 'Well, then,' say some of the landlord organs, 'let him give up his land.' No; that is the very thing we will not do. We will keep both the land and the rent."

Mr. *Macdonogh*.—What is the date of that?

The *Attorney-General*.—The 21st June. At Limerick, on the 31st August, Mr. Parnell repeated his advice again to keep a firm grip of the land, and to pay only a fair rent. His idea of a fair rent, however, has been slightly modified since then. He said then a fair rent might be ascertained by arbitration, but since that the matter has been left pretty much to the people, some of whom think that no rent at all would be the only fair measure of it. To come down now to the starting point of the agitation in its present form. On the 21st of October last year, Mr. Parnell, having called together a number of leading spirits in the Imperial Hotel, the Irish National Land League was then founded, absorbing in it the Mayo Land League founded by Mr. Davitt, and the result was the issuing of the prospectus which I hold in my hand:—"Lower Sackville-street, Dublin, Tuesday, 21st October, 1879. Mr. Andrew J. Kettle in the chair. The following resolutions and appeal were adopted:—The first resolution was proposed by Father Behan, and seconded by Mr. Dillon—"That an association be hereby founded to be named the Irish National Land League." Proposed by Mr. Kelly, and seconded by Mr. Roe—"That the object of the League is to bring about a reduction of rack-rents; second, to facilitate the obtaining the ownership of the soil by occupiers." Proposed by Mr. Parnell, seconded by Father Sheehy—"That the objects of the Land League can be best attained by forming an organization amongst the tenant farmers, by

defending those who may be threatened with eviction for refusing to pay unjust rents during the winter; by obtaining such reform in the laws relating to the land as will enable every tenant to become owner of his holding after paying a fair rent for a limited number of years." This is followed by an appeal to the Irish race, which was published in the *Nation*, asking the co-operation of Irishmen all over the world, and co-operation of course meant, amongst other things, money contributions.

Now, I said that last year was a favourable time to promote a movement of this kind. The poor people in the West of Ireland were suffering from an exceptionally bad harvest. They were enduring great privations, and under such circumstances promises like these, that they should not have to pay even their present rent, but that, by paying something less—what was called a fair rent—they might become owners in fee, proved a very attractive programme. However, be that as it may, the Land League was formally founded on the day I have mentioned—the 21st October; and in the *Nation* of the 25th October it is commended to the attention of all people by Mr. Sullivan.—(The Attorney-General here read portion of a leader from the *Nation* of the 25th October, and continued)—In the proposition that a large increase in the number of owners of land in Ireland would be an immense public benefit I think all reasonable politicians agree; but what Mr. Parnell and his associates intend is not a gradual accomplishment of this object as sales of land naturally occur, but a sudden and compulsory change of ownership as it exists at present, the fee-simple of all the lands now in the occupation of tenants being transferred to them absolutely from the present owners; to facilitate which operation landlords are denounced as if there were not one honest or respectable man amongst the whole ten thousand. Gentlemen, so far as the traversers' object may be merely a change in the tenure of land in this country, whether by simply increasing the number of owners of land, or by seeking to have tenants converted into owners, such object may be innocent; but we say that the means adopted for obtaining this end are illegal, mischievous, and dishonest. Well, that encomium upon the Land League, published on the 25th October, was repeated in Mr. Sullivan's other paper—the *Weekly News*—published the same day. Later on we find the doings of the Land League chronicled in these papers from week to week. In the first week of November the League issued an address to the Irish farmers, and it was published in the *Nation* of the 8th. I think it was also circulated otherwise. In the *Nation* of Saturday, the 15th November, we find the rapid extension of the Land League duly proclaimed. In one of the articles which appear in that number prominence is given to the story of what had been doing in the West. (Counsel then read an extract from the *Nation* of the 15th November, which in conclusion referred to "the now invariable characteristic of Western demonstrations—viz., pikemen and horsemen,") and continued:—Now what pikes have to do with a change in the land system by moral pressure it is not easy to understand. However, gentlemen, as I told you, the Land League issued an address to the Irish farmers early in November asking for their assistance and co-operation, and this was signed by Charles S. Parnell, Joseph Biggar, W. H. O'Sullivan, A.J. Kettle, Michael Davitt, and Thomas Brennan, as the Executive of the Irish National Land League. The agitation is there described as for the purpose of bringing down rents, and this to be effected by local organization—the people of each parish, or townland, or estate, as afterwards explained, forming a combination or conspiracy for the purpose of encouraging one another not to fulfil their lawful contracts, to repudiate their engagements, to support each other in those dishonest courses, and to

deter any one of their number from going behind the backs of the others to do anything against their rules, even though it were in performance of his legal obligations. Well, gentlemen, on the 21st December, as many of you know, Mr. Parnell, the nominal leader of this movement, went to America, and after that we lose sight of him for some time. I should think, however, that before he went it was arranged by him and the rest of the Executive of the League, of which he was president, that certain rules should be laid down, for the purpose of founding and regulating the local branches, by means of which the ends of this organization were to be accomplished. Be that as it may, in the first week of January, there is published in the *Nation* the following document:—"Irish National Land League Offices, 62, Middle Abbey-street, Dublin. Various applications having been received from different parts of the country, and from England and Scotland, for rules to aid in the formation of branches of the Land League, the following suggestions on organization were submitted and adopted, pending the preparation and issuing of rules for the proper management of such bodies." Then, gentlemen, follow a number of rules describing the mode in which these local branches should be formed, what number should constitute their executive, &c. Rule 12 states that, "No man taking a farm from which another has been evicted for non-payment of unjust rent should be allowed to become a member of any branch of the League." The next rule says, "Any member of a branch association bidding for or occupying a farm from which a member or non-member has been evicted, or who shall rent land surrendered and so forth, shall be looked upon as an enemy to the welfare of the country." This was the "moral force" used for the purpose of effecting the object of the organization. "He should be expelled from the branch for such action, and looked upon and shunned as a traitor to the interests of his fellow tenant-farmers, and an enemy to the welfare of the country." Whilst rule 14 says "No man assisting to serve processes of ejectment or taking part in an eviction, or purchasing stock or produce seized for non-payment of rent to be allowed to be a member of the association. Any member of the branch proved guilty of any of the foregoing acts to be expelled and denounced for his action." It is generally supposed that in a free country a man may be even a process-server without committing an offence. What is the meaning of denouncing a man? What is the meaning of denouncing a man as a public enemy? Is it merely to impress upon his mind that he has done something which is regarded by his friends and neighbours with disfavour, or is it that he may be treated by all around him as a traitor, or, in Mr. Nally's language, as worse than the robber soldier that pierced our Saviour on the cross; or as one of the others, in less blasphemous language, says, "be treated like a mad dog; we won't shoot him, but we will raise the cry of mad dog, and run him down." These are the means by which people in a free country are to be hunted down by a powerful organization for the purpose of stifling all individual liberty of action. Well these rules, issued from the Land League offices, are signed by A. J. Kettle, Michael Davitt, and Thomas Brennan, as Honorary Secretaries, and purport to be printed by Alley and Co., printers, Ryder's-row, Dublin. They were also published, as I have mentioned to you, in the *Nation*, and they appeared before Mr. Parnell went to America. Gentlemen, in the course of January or February of that year there were a number of meetings. There were twenty-seven of them in these two months. On the 14th of February there was a meeting of the Land League in Abbey street. They had taken part of a house there in October previously. The house belonged to a Mr. Gordon, and on the door and window was conspicuously displayed the name of the Land League, in order to attract people, and show them where they might go for information and advice. A meeting was held on the 14th February,

and Mr. Brennan announced on that occasion that he had called a meeting of the Trades' Delegates for the following Monday, in order to confer with them as to the arrangements for a great industrial and land demonstration in the Phœnix Park. The meeting does not appear to have come off as soon as intended, because I find the *Nation* tells us that it was not until the 11th March, at nine o'clock in the evening, that this meeting with the delegates to make the necessary arrangements took place. There was, however, a meeting of the delegates and officers of the Land League on that date, and the arrangements for the Phœnix Park demonstration were duly announced in well-leaded type in the *Nation* of the 13th. Placards were posted about through Dublin. The placards, I believe, were printed by Alley and Co., who had printed the Land League rules, and they were posted all through the city, calling on the trades of Dublin who wished to take part in the demonstration for "Land and Labour" to assemble at Beresford-place, near the Custom House, not later than ten o'clock, a.m., on Sunday, 14th March. "A procession will there be formed, and will proceed by Lower Abbey-street, Sackville-street, and the northern line of quays to the Park. A ballot for places in the procession will take place in the rooms of the National Land League, 62 Middle Abbey-street, on Thursday evening, 11th March, at eight o'clock. Representatives of trades and other societies are requested to attend. Workers of Dublin, join your brothers who are asserting their rights to the profit of their labour, and advocating the cause of humanity." That was on a pink placard. There was also a green placard calling on "Irishmen to attend the meeting to be held in the Phœnix Park, Sunday, 14th March, and protest against a system which robs the tiller of the soil of the fruits of his labour. Workers of Dublin, your poverty is the result of a system which endeavours to degrade labour and elevate idleness. Join your brothers in one grand movement for the industrial emancipation of the workers of Ireland." The third placard was yellow, and it ran thus, "A great public meeting under the auspices of the Irish National Land League to advocate the right of the people to the land, and in support of the cause of labour, will be held"—not the right of the farmers only, you will observe, but of the people at large. "Citizens of Dublin, show by your presence that you sympathise with your countrymen struggling against landlord wrong, and that you will aid them in their noble endeavours to keep a firm grip of their homesteads, and live in the land of their birth. Artizans of Dublin, the cause of the tiller of the soil is the cause of labour, and therefore your cause. Assemble in the might of your numbers and aid your brothers in the assertion of their God-given right to the soil they till. The four gentlemen at present under prosecution by the Government, Messrs. Davitt, Brennan, Daly, and Killen, and also Messrs. Joseph G. Biggar, M.P., John Ferguson, Glasgow, W. H. O'Sullivan, M.P., John J. Louden, B.L., Westport, T. D. Sullivan, A. J. Kettle, and other speakers will address the meeting. Land and Liberty."

The meeting was accordingly held on that Sunday in the Phœnix Park. The procession was duly formed at and started from Beresford-place as was announced. The arrangements had been completed in the rooms, Middle Abbey-street. The League had arranged the whole machinery, and accordingly the trades having been duly marshalled marched from Beresford-place to the meeting. The members of the Land League issued from their house in Middle Abbey-street and proceeded to the Park in a body. Persons were stationed close to the Park gates, who distributed to all comers some curious literature. You will find, gentlemen, that on several occasions during the course of the speeches, which it will be our duty to lay before you, reference is made to a composition, I don't know of whom, which was largely distributed, recommending to the attention of

the tenant farmers and others a blasphemous production called "Paudeen O'Rafferty's Ten Commandments," a copy of which I now hold in my hand. It runs thus—"Dedicated to exterminators and rack-renters, as also to the people who work. The creed of the Right Hon. Lord Clanrackrent, Earl of Idleness and Viscount Absentee. (1st.) I am the lord thy master, who paternally condescend to take charge of thy earnings in the shape of rent. (2nd.) Thou shall have no other master but me, and no other use for thy money than to be duly paid and delivered at my rent-office upon every gale day, in order that I may live in a state befitting my rank, and be sumptuously fed and delicately cared for, without stooping to the ignominy of labour, or feeling the hardships of want. (3rd.) Thou shalt not speak disrespectfully, or with covered head, of thy master, his agent, bailiff, footman, or dogman, or murmur or complain against the holy doctrine, 'Obey thy masters.' (4th.) Thou shalt keep holy the Sabbath-day by labouring to earn thy sacred obligations of rent, and win for thyself that poverty and self-denial which is essential to eternal salvation. (5th.) Honour the landlord, that thy toil may be long in the land of thy birth, and thy reward at some not far distant day the romance of eviction, workhouse luxury, or occidental emigration. (6th.) Thou shalt not kill any hare, rabbit, fox, or bird that may visit thy farms. Thou shalt not fish for, catch, or eat any creature found in the streams which flow through thy fields, or commit the sacrilege of doubting the justice of these laws, which give more protection to the game of the fields than to those who are moulded in the image of their Creator. (7th.) Thou shalt not violate the great moral law upon any estate which forbids the marriage of thy sons or daughters—particularly thy daughters, until myself or my agent satisfy ourselves that such a step is agreeable or beneficial to myself or my agent. (8th.) Thou shalt not steal an idle moment, neither shall thy children, from the blessed occupation of labour in my service, to indulge in the worldly pleasures of reading books or newspapers, or to listen to immoral teachings against my sacred prerogative as thy lord and master. (9th.) Thou shalt not bear any witness against the difference between my rent and the valuation of that arch-infidel Griffith, neither shalt thou speak behind my back of the evil agents of the National Land League—a society which aims at the destruction of landlord law, and law and order, and which must plunge its fanatical supporters into eternal peasant proprietary. 10th. Thou shalt not covet a better condition of life, or sigh for worldly wealth or comfort, in which there lieth both evil to body and soul; neither shalt thou envy my manorial residence, carriages, horses, hounds, or pleasures, but continue to cheerfully toil from early morning till hungry eve, to rest satisfied with thy mud walled cabin, thy noble rags and blissful ignorance, in order that one day thy reward shall be reaped by the appearance at thy door of a legion of spirits in the uniform of the Royal Irish Constabulary, to conduct thee and thy children to that mansion of penitential bliss which the English Government and myself have created for thy use." Well, gentlemen, it is impossible to deny that some literary skill has been bestowed on this composition, but I venture to think that it is at the same time somewhat impious. The object, of course, is to fan the flame which has been industriously raised among the people of Ireland from that day to this, so as to make them if possible hate the very name of landlord. Well, gentlemen, along with that was what is described as "Paudeen O'Rafferty's opinions upon the foregoing creed;" and this also was industriously circulated by the Land League. Whether it was Mr. Brennan, or some other member of the Land League executive, who composed it I do not know. These opinions are as follows—"God the Creator of this universe as well as the land of Ireland is my only

Justice, for it is He who made all creatures and all things where they should live, and stipulated the rent to be paid when He declared that mankind should earn its bread by the sweat of its brow." No man, you see, according to this moralist, has a right to land or anything else, though he has worked and saved money to buy it. "The land like the air and the sunshine, and the water, is a natural agent"—this is a smattering of the Communistic philosophy—"a natural agent, created like them, for the sustenance of the human family and not for the profit and pleasure of a few whom society may deem exalted and privileged." By this no one is to become the absolute owner of land, no matter how long he labours. "God is the essence of justice and goodness, and could not therefore ordain that a few who pay him no sacrifice in the shape of labour should own the land, that would be useless unless without that toil which is essential to the bringing forth of food for the children of men." The ownership of land is immoral; rent, some of them say, is an immoral tax, and the whole is founded on fraud and injustice. "A system which gives to idleness the first claim upon the earnings of industry is a fraudulent and monstrous one. I toil and sweat, I tramp and suffer to fulfil my obligations in the course of my existence. I labour every day in order that my children shall not want, and that I may discharge my duties to those who may aid me in my progress through life by their labour, in supplying me with clothing and such necessaries, yet most of my earnings is not my own—the fruits of my toil are seized upon by another, and in the form of rent I am compelled to pay a tax for living on the earth upon which my Creator placed me, and for using the land which He made for my sustenance. The supreme God-ordained right of existence is contravened, and stamped upon by the arbitrary power of monopoly and wealth, and man's injustice to man has supplanted the eternal law of the Creator in his behalf. The toiler in the field, the artisan in the workshop, the miner in the pit, the mariner on the sea, the brain-worker at his desk, are all fulfilling the duties of life, and producing the food and creating the wealth which sustains mankind, and upholds the frame-work of Governments and society; yet another class—the aristocratic caste—does nothing but govern and trample upon the classes that support it in voluptuous ease." You will recollect that this was a meeting to promote a combination of the industrial classes. They wanted in fact to catch the trades. You will observe that there is not much about land in the whole thing. The meeting, however, gentlemen, was held upon the 14th. There were six traversers at it. Mr Biggar was there, Mr. Sexton was there, Mr. Brennan was there; of course Mr. Egan, the treasurer of the Land League, was there; Mr. Walsh was there, all the way from Balla, in distant Mayo; and Mr. O'Sullivan was there. I don't know whether Mr. Sullivan himself was there, but at all events he reported the meeting in the *Nation*. It appears that the first resolution was, "That the prosperity and the content of Ireland imperatively demand the speedy and final abolition of Irish landlordism." Mr. Davitt speaks to that resolution, and tells his audience that "*The new Gospel*—the land for the people—and the policy which he and others had followed was now marked with the approval of 50,000 Dublin Irishmen. The man who cultivated the soil was the man who should own it; and the time was arrived when the tiller of the soil, as he struck his spade in the earth, looked towards heaven and asked for whom the land was made. The land of Ireland being created by God Almighty for the people of Ireland, to the people of Ireland, and not to idle, sensual landlords, that land should belong."

Mr. Brennan also addressed the meeting, and said, "they should work for the destruction of Irish landlordism; and the death-knell of that

system would be the sound of the commencement of Ireland's social regeneration." The meeting wound up by the usual vote of thanks, in speaking to which Mr. Davitt said they "had entered the Phœnix Park without having had the trouble of pulling down the gates, as they had intended to do if it were necessary." That was the first meeting, the details of which we shall prove to you. It was a meeting of the industrial classes, the artisans and the labourers, and was set on foot by the Land League, the object being to bind the artisans with the farmers and have, as they declared, one grand industrial organization. Now, gentlemen, Mr. Parnell, as I have already told you, went to America in the end of December—on the 21st December—and returned, I think, on the 21st March. In the following month, on the 29th April, there was another meeting—it was not, I am informed, a very large one—held in Dublin, and called the Land Conference. At this Conference the programme and plan of the Irish National Land League, as now founded and beginning to work, was made the basis of further operations. Next we come to the meeting of the 2nd of May—I am giving you here only a rapid history of the movement. On that day there was a large meeting held at Irishtown, for the purpose of commemorating the foundation of the movement at that place in the previous year. It was at first intended to hold the meeting on the 18th April; but it was held on the 2nd May, and Mr. Parnell and Mr. Boyton (the organizer of the League) both attended. The second resolution then proposed was one, to which Mr. Parnell spoke, indorsing the programme of the National Conference, held on the previous Thursday, the 29th, in Dublin; and pledging the meeting to do all in their power to have that programme applied to the amelioration of the industrial and agricultural classes of the country. I think I have already told you that Mr. Parnell's views seem to have expanded since that early day. Now it is a compulsory and sudden transfer of property from every landowner to his tenants that he demands; every tenant is to be turned into an owner by paying a reduced rent for a number of years. However, that was not the view Mr. Parnell held in May, 1879. He said at the Irishtown meeting—"We do not desire to buy out at a single sweep all the landlords in the country, and to resell those estates to the tenants at twenty years' purchase of the Government valuation or at any other valuation. But the programme of the National Land League is to effect a reduction in the rack-rents which are pressing on the tenantry of Ireland. . . . I can recollect the Land meeting of which this is the anniversary, and the subsequent meeting at Westport, at which I first appeared, and taught you to 'hold a firm grip of your holdings', and how they were denounced in the leading article of the *Freeman's Journal.*" And then he goes on to say:—"We desire to bring about a gradual transfer of the land of Ireland to the tenant-farmers of Ireland." If that were a fair sample of the aims of the Land League there would be little to complain of. But to force the value of land down to its minimum so as to confer the property at once on the tenants at half its value is quite another thing. To seek the transfer at the sacrifice of the interests of some ten thousand people, is anything but innocent. These ten thousand owners of land have a right at least to live here. They are part of the people of the country who have a right to live in it, and why those ten thousand should be sacrificed by handing over their property to the rest of the people, I have yet to understand. This is the first time that such a doctrine has been preached as feasible, or submitted for the consideration of reasonable men. Then, Mr. Parnell calls upon the audience to renew their pledges—"Surely you will to-day renew the pledge you made twelve months ago upon these historic plains"—these were the historic plains of Irishtown,

where Mr. Davitt had really founded the League twelve months before—"that you will keep a firm grip of your holdings, that you will refuse to pay any unjust rent, and that you will stand by this struggle until the lands have passed into the possession of the people." What is an unjust rent? Who is to be the judge of the unjust rent? Is it each man for himself, or is it the local committee of tenants? How would you like to dispose of your goods on these terms? How would you like if a committee of your debtors in any country town, after having received your goods were to meet and settle how much they were to pay you for them? We will buy your goods at a certain price and we will keep and use them, but when we come to pay we will consider how much of the price we will give you. We will first feed ourselves and our families; we will lay by something for another day, and then we will consider what we shall pay you. What justification, moral or legal, can a doctrine like that pretend to? According to the views of some of these gentlemen it may be inconvenient and even undesirable to shoot the landlords—but to abolish them all—and meantime to make them outlaws; that is considered quite a proper thing; so it is, I admit, quite as just and reasonable to stop the payment of their rents, and force down the value of their property so that others may get it at half-price. That may be a harmless object. I, indeed, cannot so regard it. But I hope the traversers who advocate it, see it in a different light from me, for I consider it grossly dishonest. Mr. Parnell then calls attention to the fact, that people in America, Australia, and elsewhere, will supply funds to carry on this agitation. "They will give you millions," he says, "but they will give it on a condition," and here is the condition—"But don't be attempting to pay unjust rents in this coming summer and autumn, and compel us again to appear as beggars for you in all parts of the world. They are willing to send us money, but they think that you should not wilfully plunge yourselves into poverty by continuing to pay these unjust rents." How then is this non-payment of rent to be effected? "It is impossible," he tells them, "for the 600,000 tenant-farmers of Ireland to be overwhelmed if they combine together. It is impossible for even the tenant-farmers of a single county to be thrust out if they combine together. . . . You must form local organizations which will be able to investigate these cases, and you must support the Land League." So far for Mr. Parnell. At the same meeting appeared Mr. Boyton, one of the officers of the Land League, and who bears the name, as he says himself, of the organizer of the League. He takes charge of the formation of branches, and having gone, I suppose, to the county of Mayo on that errand, he makes a speech at Irishtown on proposing this resolution—"That we will continue to look upon anyone taking a farm or renting land from which another has been evicted or which may have been given up through exorbitant rents, as an avowed enemy to the interest of his country, and an abettor of a system which plunges Ireland into periodical famine." He then induced the people present to form a branch of the League. You notice that this was a resolution denouncing people who dared to take evicted or surrendered farms, called in the language of the League "land grabbers." This name is constantly used at those meetings. Any man who takes a farm from which another has been removed, either because he could not pay his rent, or because he would not pay it, or because he found it more convenient to give it up, is styled and denounced as a "land-grabber"; the object being to frighten every one from taking it, so that the land thus vacant may be made a "model farm," to use Mr. Dillon's own language, "on which no living thing can go."

Well, on the next day, the 3rd of May, another meeting was held at

Ballintaffy, in the county Mayo. There were about five hundred people present at it. The doctrine we have heard preached by others, and which appears in this blasphemous production that I have read for you circulated at the Phœnix Park meeting, is preached at Ballintaffy by Mr. Walsh, one of the traversers. He tells the people, "you have as much right to the soil as you have to the air you breathe." Every man indeed has a right to an equal share of the air, but it is a somewhat loose theory of property that assigns to everybody an equal right to the land. We can all breathe the air without coming into collision with each other, but if we were all to claim the land, and endeavour to get it we would have rather an unpleasant scramble. Suppose, even for a moment, that the Irish tenant farmers were transformed into owners, is it not obvious that land, being, according to these doctrines, the common property of all, the tenant farmers who got it to-day ought in their turn to be assailed to-morrow? The labourers and others would rise in insurrection against them, and would naturally say, "why, the land belongs to us as well as you," and they would be right, I think, for the basis of this doctrine is that the land is the common property of all, and no more the property of one particular person than another. The whole foundation of this teaching is, that of right there is no private property in land any more than there is private property in the air you breathe. The next meeting was held in the county Galway, on the 16th May, at Glenamaddy. At the meetings I have mentioned we have had Mr. Brennan, Mr. Parnell, Mr. Walsh, and Mr. Boyton. Now, we have Mr. Walsh again. At this meeting at Glenamaddy, a resolution was passed which was seconded by Mr. Nally, the last of the traversers named in the information, and runs thus—"That we look upon a man who would occupy the land from which a tenant has been evicted as the enemy of our country, and we hereby pledge ourselves, never to occupy a farm from which a tenant has been evicted or surrendered for non-payment of rent." Nothing there of the distinction between just and unjust rents, the man who takes such a farm is to be looked upon as the enemy of the country, simply because he took what another tenant has given up. Mr. Nally is an emphatic speaker, and he says —"What is the use in coming forward and speaking to you, when at this moment there are some scoundrels amongst you, ready to grapple them up? I know there are scoundrels here who would raise their hands. I wish to propose the resolution, and all united together, determined as it were to get rid of the agent, bailiff, and the accursed and damned landlords. Do you organise in one mass. Come together after this meeting; let ye come and show that we intend to banish every blasted landlord out of the country. Let ye join together in the hill-side and valley, and everywhere until we get rid of that accursed hated system, called landlordism. Let us come forward then like men, and put those blasted landlords in the same position as we have ourselves been for a number of years." A Mr. Kilmartin spoke at the same meeting, in the presence of Mr. Nally, and in speaking to the same resolution, cried—What is to be done with the fellow who has dared to take a farm, or to pay any rent, however small, for a farm which any other person had given up? The object being, you will remember, to starve out landlords. What does Mr. Kilmartin say should be done with such a fellow? "Ostracise the villain," he says, "who would do such a thing. There is not a greater criminal ever swung on a gallows, than the man who would take that land. I say you can point to him as he goes the road, and say—'Behold the villain;' 'behold the man who robbed the widow.'" A pleasant accompaniment for a man walking peaceably along the road on his lawful business, to be beset and followed and dogged by the hallooing of a

mob crying, "behold the villain;" "behold the man who robbed the widow." He goes on to say, "If you saw a mad dog, would not you halloo him? Would you not hunt the mad dog from society? But the desperate villain who would bid for the land is fifty times worse than the mad dog." "Talk of rack-rent," he adds, "where is the tenant who is not rack-rented?" Yes, where is the rent, be it ever so little, that is not too much? There is no just rent; all rents are immoral and unjust, and we will pay none. He goes on to say, speaking of a fair rent—a fair rent is what they may chose to pay—"Offer a fair rent, and, in the name of God, whatever the consequence is, as my friend Mr. Malachi O'Sullivan said, twelve months ago, if they don't take it put it in your pocket . . . . Do as Parnell advised you to do, 'Keep a firm grip of your holdings.' Establish in this place, this very day, a branch of the Land League." You could not have a more complete pronouncement of the principles of this confederation, than is given by Mr. Kilmartin. Advice like that did not fall dead upon the people's ears, and a curious instance of it you will find chronicled in the *Nation* of the 29th May, I think. As a commentary on the teaching of these confederates, I shall read it to you. The man remember who takes a farm which another has quitted or has been obliged to quit, is a criminal, and is to be hunted like a mad dog: The paragraph in the *Nation* was this—"Evictions in the county Mayo. A man named M'Donagh, living at Balla, in the county Mayo," that is where Messrs. Nally and Walsh live "who had taken a farm lately in the occupation of a widow," recollect the reference to a widow in the speech I last read, "has been summoned to appear before the branch of the National Land League, to explain his act and abandon all claims, forfeiting a year's rent. Notices are posted up threatening the life of anyone who takes the farm."

You cannot have a better illustration of the natural effect of this sort of language addressed to people in distress and poverty telling them the cause of all their misery is the existence of landlords, who are the sum of all that is villanous, who ought to be treated as were the French seignors by having a rope's length at every crossing; or who ought at least to be robbed and despoiled of half their property, and so brought upon their knees. There were also a couple of other meetings held on the same day but I will not trouble you with them. I may mention, however, that Mr. Harris, one of the traversers was deputed to attend the meeting at Knockcroghery. Indeed, for most of the meetings, some prominent member is deputed to attend from the Central Land League, and advise the people on the spot and encourage them to form their own local combinations. On the 23rd May, a meeting was held at Cardenstown, in the county Meath, which was attended by Mr. Brennan and Mr. Boyton; at Finea, county Westmeath, on the 27th May, at which Mr. O'Sullivan appeared again; and at Teevnacreeva and Dunmanway, on the 30th May. Altogether there were in the month of May, nine meetings in different parts of Ireland. In the month of June, there were eleven meetings; in the month of July, nine. I believe there were more, but I mean that these are the meetings we have a detailed account of; in August there were eighteen meetings. In September, we have reports of twelve meetings. In October, we have reports of thirty. In the course of the October meetings, there was one held at Abbeyknockmoy, in the county of Galway, at which Mr. Gordon, one of the traversers, whose name I have not mentioned before appeared; and you will find when we come to lay these documents before you, that he called special attention to those mock commandments and the commentary upon them which I ventured to read to you some little time ago. He says, "Until Ireland is proclaimed a nation, I shall work by day, I shall write by

night, ay, and I shall plot by night, until Ireland is a nation. Wherever you know the newspaper is to be read. Wherever you know Paudeen O'Rafferty's commandments are to be read, go there and then go home. Allow the land to remain as it is. There is now a little National Landlord League. There are a few chosen land grabbers, and in Ireland there are millions of people. I know land sharks in the village. I will tell you what to do with him." That is with the man who takes a farm from which another has been evicted "Treat him as you would a mad dog." That is when he appears in the village, every person should halloo him as he goes along. The mad dog might even be assisted to drown himself. "If he goes into a chapel let him go into a corner for himself." That is, show your hatred towards him even in the house of God. "I take great pleasure in speaking of land robbers." In other words this means, that owners of land have their property by fraud and robbery. "But I tell you the land grabber is the worst we have to deal with." Then he says, "I will ask you to pay no rent to the landlord until he gives the land to you at a fair valuation. The time is approaching when all Ireland will be established as members of the Land League. Then there will be one solid strike against paying any rent at all." There now is honesty proclaimed at last. "I came here to proclaim before God on high that this land is ours, and that if we cannot get it peaceably, we will fight for it at our own doors."

Of course that evoked cheers for Gordon. Now, this is all declared by the traversers to be legal and constitutional agitation—to be within the limit of the law. I should like to know what well ordered or civilized community in Christendom, or out of it, could submit to or tolerate such proceedings. It is very well that the traversers do not live in some other country where they would have been made short work of long ago. Now, gentlemen, we have, as I told you, reports of a number of meetings—ninety-four or ninety-five in all—held between May and November, the time when the Information was filed. The Land League generally sent representatives to each meeting. You may take it, too, that there were always substantially the same resolutions. Sometimes we find an odd resolution or two extra, but the burden of the song and teaching of the Land League is this—hold fast to your farms—don't submit to eviction if you can help it—we will fight the battle for you as far as we can, and if the worst goes to the worst the land shall remain on the landlord's hands, waste and profitless, until we put the tenant back again. We shall encamp him close to the spot, and watch to see that no one dares go there; but, meantime, pay no rent at all. According to Mr. Kilmartin there is no just rent. On looking through the speeches, however, I find a definition of what may possibly be paid as rent frequently given. This now is the substance of them all. What may be paid as rent is the excess left after the farmer has paid the working expenses of his farm—after he has supported his family in ease and comfort, and after he has laid by something for himself, which is beautifully indefinite—meaning probably after he has put in bank as much as he thinks he may hereafter want, then out of the residue rent may be paid. Well, gentlemen, it is really childish to discuss the question, as if there was any but one meaning in all this.—Calling upon the farmers of Ireland not to pay their full rent—the rent which they had agreed to pay—calling upon them to keep a tight grip of their land, and to join a combination to despoil the landlords of their legal rights—to resist the law in every shape and form, to defeat the orders of courts of justice, by not allowing goods to be sold by the Sheriff in obedience to the writ of the Courts—by disregarding the process of eviction when a man is put out, because

he won't pay the rent which he agreed to pay for his farm, and by using all the social tyranny that a powerful organization can bring to bear—excommunication, indeed, often blossoming into outrage on any man who dares to disobey any of the rules of the Land League code.

SECOND DAY—WEDNESDAY, DECEMBER 29, 1880.

Mr. *Goodman*, Master of the Crown Office, called over the names of the jurors, who answered, viz.:—Thomas R. Corcoran, Wm. Hopkins, Edward Hurse, Thomas Dunne, John Bircurry, James Tyrrell, Thomas Crosby, Joseph Mitchell, Arthur Webb, Nicholas Hopkins, Patrick Macken, Patrick Biggins.

The *Attorney-General* resumed. He said—Gentlemen, I endeavoured yesterday to explain to you in a popular form the nature of the charges which the traversers here are called upon to meet. I also endeavoured to explain to you, gentlemen, the nature of the offence with which they are charged—namely, a series of conspiracies, and I told you that a conspiracy—there is nothing mysterious about it—is simply an association for mischief—a combination of persons, two or more, to effect some hurtful object—some injury to others. That, in point of law, is a crime. It is a crime even though mischief has not been effected. The mere agreement to do the mischief evidenced by some outward act is sufficient. Again, gentlemen, any association, whether for business or for crime, involves in it this essential quality—that each shall be answerable for what his partners do towards furthering their common work. The very object of association is that each may have the benefit of the agency of all his fellows. Whether it be a commercial firm or whether it be a conspiracy to do mischief to others, the very basis of and motive for their thus joining together is that all may have the benefit of each and every of the efforts that each may separately make in furtherance of the common object. Therefore, just as in a commercial partnership, every partner is an agent of all the others for the furtherance of the common business, so in this partnership in crime every man in attempting to further the common mischievous design is the agent of all the others.

Gentlemen, I gave you a rapid sketch yesterday of the progress of this confederacy or conspiracy from the time it was founded by Michael Davitt, at Irishtown, in April '79, down to the month of November last, when this information was filed. I told you that there were a number of meetings held every month—about an average of ten in the earlier months of the present year previous to October, when there was a sudden expansion to thirty. Sunday was the day which was chiefly chosen for the preaching of this new gospel—as Mr. Davitt calls it—not gentlemen, the gospel of peace and good-will, but, as I venture to anticipate it will be found, in your opinion, a gospel of strife, contention, communism and confusion. Now, the Land League in its present form was, as I told you, started in Dublin on the 21st October, the Association taking rooms in 62, Middle Abbey-street. For that purpose, I believe, one of the body became nominally, if not actually, the tenant of the house—a Mr. Gordon, not the gentleman here charged with conspiracy, but another Mr. Gordon, who is a member of the body, it appears, took the house. Very soon after that, in the same month of October, certain members of the Land League, some of whom are present—Mr. Brennan at all events was one of them—came and made the necessary arrangements, and the Association actually took possession of the two rooms which they have since occupied. It was part of the arrangement—a perfectly harmless thing—that their local habitation should be indi-

cated by the usual apparatus, of names on windows and names on doors; and accordingly the words "Office of the Land League," or "Irish National Land League," were put up in more than one conspicuous place. I told you, gentlemen, that in the early part of the present year they published, through their printers, Messrs. Alley and O'Reilly, or Alley and Co., a set of rules for the formation of branch leagues, because the object of the Association was not altogether, or indeed chiefly, to gather together, and consult, and act in Dublin. The Land League here was merely the central directing body, which was to direct, promote, and advise the various local land leagues, or affiliated bodies, which it was their business and object to create in different parts of the country. They boast now, and I am sure the boast is well founded, that they have created, in furtherance of their, what I take leave to call, mischievous purpose, a very great number of affiliated branches. I don't know whether they don't amount to many hundreds, according to their own statement. I dare say they do—all these local leagues, being affiliated to the main body in Dublin, for the purpose of carrying out the common object with which the traversers are here charged.

Gentlemen, about the same time, in the present year, for the purpose of vouching the members of the different local bodies—a form of card was devised, as seems to be the orthodox thing in movements of this kind, for it was used nearly forty years ago, in O'Connell's case—and very serviceable it has been made, as you will find in the progress of the case. Well, here I have the card in my hand, not at all badly designed. It bears on its front the modern national colour, though, I believe, that is not the old one. At the top are the words "Ireland for the Irish," and alongside of that "Down with Landlordism." Then there is a blank left to fill in the name of the branch; the word "branch" being printed. Then we have emblematic pictures under the title or motto—"Union is strength," pointing to the value of confederation or association, or, as the law calls it, conspiracy—the picture representing a strong bodied man, endeavouring ineffectually to break—although he succeeds in bending, a great number of pieces of wood bound together. Then runs in large letters, as a heading, "The Irish National Land League," whilst a blank is left for the name of the intended member—and then is printed "was admitted a member this —— day of ——— 188—," the card being issued in the earlier part of the present year. Below we have, corresponding with the mottoes at the top, "The land for the people"—not, you will observe, for the tenant farmers, but for the whole people. We should all, according to this, have a scramble for the land, because, I suppose, it will be admitted that there are other people who belong to the Irish nation besides those who just now happen to occupy farms in Ireland. Well, then, gentlemen, as the first piece of work by this confederacy, we have the well-known proverb, or short sermon preached as the essence of the new gospel, in Mayo, in '79, by Mr. Parnell, adopting the principles of the leader to whom he refers all the credit of this conspiracy—"Keep a firm grip upon your homesteads." Now, gentlemen, there are some of the principles embodied in those mottoes which may perhaps be open to question. I don't think it is absolutely innocent to preach to the people that under no circumstances are they to let go a grip upon their holdings. They have got those holdings as in any other contract of hiring, for a consideration; and, if they are to keep a firm grip upon their holdings, under the precepts of this new gospel, without paying the consideration that they undertook to pay for them, I think that that is, at all events, of very doubtful morality; as it certainly is of more than doubtful legality. However, when you turn to the back of the card, you find a statement of the principles of the League—"The Irish National Land League was formed for the following purposes:—First,

to put an end to rack-renting, eviction, and landlord oppression." Well, gentlemen, in one view of the case, that may be an innocent object. It is desirable that an end should be put to exorbitant rents, and it is desirable there should be some mode of ascertaining and settling what is to be regarded as the fair rent for a farm. It is desirable also that an end should be put to landlord oppression—assuming there are, and we must all admit that there must be, cases of hardship—of harsh eviction, and harsh enforcement of the law, as may arise in all relations of life, such I am afraid, not being confined altogether to the cases of landlord and tenant. Any unjust man, who makes the letter of the law the basis and standard of his conduct, will often do great injustice. We all know the motto or saying which we learned in our school days—*Summa lex summa injuria.* And thus, under cover of the law, which cannot regulate all the minute relations of life, a man may act harshly and unjustly. This a merchant, or person in any walk of life may do, as well as a country gentleman. Though he may not transgress the law, he may use his legal rights so as to make them a cause of great injustice to those with whom he deals. But such conduct, gentlemen, which the law is powerless to prevent, must be left to be restrained by the force of public opinion. However, there is another view in which this avowed object of the Land League is open to question. How is it that an end is to be put to rack-renting? We find that when we come to the means—they are not fully disclosed here—but when we come to see the machinery by which these objects are to be effected by this Association, then, indeed, we see what they mean by putting an end to rack-renting—we find they mean illegal interference with the tenants throughout Ireland by persuading or frightening them from observing their contracts and paying the rents which they had undertaken to pay—whether those rents be high or low, just or unjust. So, again, gentlemen, though it may be desirable to put an end to eviction, the question is how we are to do it. I suppose it would be admitted that shooting the landlords would not be the proper way to do it. Well, it is equally illegal and unjust, though it may not be so violent, if eviction is to be put an end to by such a system of terrorism over the landlords who are entitled to evict, as to prevent them exercising and enforcing their legal rights. The next object of the League, as stated on their card, is a perfectly harmless one, if properly and lawfully, and honestly carried out, namely—"To effect such a radical change in the land system of Ireland as will put it into the power of every tenant farmer to become the owner on fair terms of the land he tills." Now, gentlemen, I don't suppose there is anybody either here or in England who would be disposed to quarrel with that, if they were only allowed to insist that the terms on which it is to be carried out must be, as the card here says—"on fair terms." All statesmen and politicians are agreed that a change in the land laws, which would put it in the power of every thrifty tenant, when the opportunity arises, to buy his farm, would be a beneficial change, but it must be upon fair terms—fair to the owner of the land who wants to sell, as well as to the tenant who wants to buy. It must not be fairness all on one side, which seems to be the Land League view of fairness and justice. It must be on the principle that what is sold shall be capable of being sold and purchased at its fair price, and that no mischievous combination should be brought into play for the purpose of deliberately producing an unnatural depression in the price of the land, so that it may be got for half its value.

But how are the objects thus proposed by the Land League, as appearing in this document, meant to be effected? The first means proposed for attaining their objects are stated as follows:—1st, "Organization amongst the people and tenant farmers"—

there you see the people and the tenant farmers are not considered as quite synonymous—"for the purpose of self-defence" —quite right—"and of inculcating the absolute necessity of refusing to take any farm from which another may be evicted, or from purchasing any cattle or goods which may be seized for payment of impossible rent." The authors of this document were, in their generation, wise, and they thought to save themselves, I suppose, from the consequence of any questionable precept or suggestion of this kind, by saying that their powers were to be brought into play only in cases of eviction for "impossible" rent. What an impossible rent is, it is not very easy to say. How that form of expression has come to be translated by those to whom it was addressed, as must have been anticipated by those who selected it, we shall see in the sequel. I take leave to say that an association or organization, combination, or conspiracy among the people and the tenant farmers of Ireland, for inculcating the absolute necessity—no qualification—no exception —the absolute necessity of their not taking any farm from which a man has been evicted, is illegal. It is the very thing against which a statute, passed in the Irish Parliament, was levelled. The object admittedly is to prevent the owners of land setting their land to the best advantage—that is the avowed object, and indeed without that object the thing would be purposeless and useless. Gentlemen, by an Act of Parliament passed as far back as the middle of the last century —there is nothing new, you see, under the sun—there have been illegal associations before, and I suppose there will be again—it was enacted that all covenants, contracts, or agreements made amongst any tenants intended to hinder or obstruct their landlords from setting their lands to the best advantage, should be illegal, and should be void; and the statute further provides, by the second section, that any person offending, by entering into such combinations and agreements, should be subject to certain pains and penalties—imprisonment included. The statute, my lords, to which I have referred is the 29th Geo. II., cap. 12. But, I take leave to tell you, gentlemen, under the direction of the Court—from whom you will take the law on this, as on every other part of the case—that any combination of persons, for the purpose of doing injury or mischief to others, is in itself illegal by the ancient common law of the land. It is, gentlemen, perfectly innocent for me not to buy in a particular shop, and for each of you not to go to a particular shop, but it is, gentlemen, decidedly illegal for you and me to agree—and, of course, it is the more mischievous the wider the combination extends—that none of us will go to a particular shop to deal if it is done for the purpose of injuring the shopkeeper or merchant. Well, gentlemen, the means proposed to effect these objects of putting an end to rackrenting and eviction are declared to be in the first place organization amongst the people and tenant farmers not only not to take a farm from which any one has been evicted from any cause, good or bad, just or unjust; but also, not even to bid for much less buy goods exposed by the sheriff for sale under the writ directed to him from this Court, if it is for the purpose of realising money by sale of cattle or other goods for payment of rent. No. 2, as to the means, is "the cultivation of public opinion, by persistent exposure in the Press and by public meetings, of the monstrous injustice of the present system, and its ruinous results." And the third is "a resolute demand for the reduction of the excessive rents which have brought the Irish people to a state of starvation." Well, gentlemen, shortly to repeat the methods of action here proposed by the League, the first is organization—that is, combination or association; the second, cultivation of public opinion by articles in the newspapers, and by a series of public meetings—and that to be done persistently; and, thirdly, a resolute demand for a reduction of excessive rents—that is, anything the tenant

considers inconvenient for him to pay—a resolute demand to have such rent reduced. The fourth is a "temperate, but firm resistance to oppression and injustice." Now this language has been carefully chosen, and I dare say a great deal of trouble and skill has been spent in the careful selection of the words, with a view of making the document say one thing in a court of justice, and another thing when it is read and enforced among the people. What is the meaning of a resolute demand that the landlords shall reduce their rents? I can understand a persistent suit by a debtor to a creditor that he won't drive him to ruin, or that he will accept less than his strict legal demand. But a resolute demand by the debtor to the creditor for a remission of half the debt is another affair altogether. Suppose a combination amongst the debtors of a particular firm to be got up for the purpose of making a resolute demand upon the creditor or merchant, that he shall forego payment of the full measure of his debt; such a resolute demand strikes me as something very different from the ordinary proposition, that an arranging debtor, or set of debtors, may seek to make with their creditors. A proposition being left for the acceptance or refusal of a creditor is one thing, a resolute demand is another. Well, "temperate resistance" to any form of oppression is perfectly unobjectionable, but the word "firm," which is added, was meant, I fear, to cover a series of proceedings of which you will have evidence in the course of this trial, and which certainly were not wanting in the quality of firmness, but, I take leave to say, have been sadly wanting in moderation and justice. Gentlemen, such is the Land League card, that all the members are advised and requested to put into the bands of their hats, when they go to fair or market (I don't know whether it is suggested that they should also wear them at church), to enable them to carry on their ordinary business in life—the meaning of that being that any man who had not the card was to be isolated by his fellows, who were not to be allowed to buy or sell, or otherwise have intercourse with him—a very ingenious plan, no doubt, for reducing society to its original chaos—for reducing us to that reign of communism and confusion which seems to be the dream of some, if not of all the traversers that you have now before you.

Well, there were, of course, as all of us know, many meetings held for the purpose of furthering the objects of the Land League; they were generally either for the purpose of creating a new branch of the League, or for the purpose of confirming in their defiant attitude those who had already joined the body, and extending its sphere by inducing others to join them. They are nearly all, in fact, local League meetings. The central body in Dublin generally deputed some one or two of its members who could be conveniently despatched to the country to go down to the locality where the meeting was to be held, mostly on a Sunday, and preach this "new gospel." As I told you yesterday, whatever extra resolutions may have been proposed at these meetings, there was always one against paying the full rent the tenants had undertaken to pay. The new gospel teaches that the best measure of what a man ought to do in the way of meeting his honest engagements, is just to think what is convenient for him, and if he finds it inconvenient to pay, this most excellent and convenient doctrine preaches that the thing he must do is not to pay at all, or, at least, to measure the amount of his payment by what he may calculate will be the net excess of his means after he has paid everybody else, himself included, for his labour, and laid by something for a rainy day. It is no wonder that such a precept, though inculcated by these practised speakers of the League, chosen, no doubt for their oratorical powers, was often greeted with laughter. It was really too much for the sense of humour our people possess to be told that

the measure of a fair rent was just what they might find it convenient to pay. After paying everybody, and putting by something for themselves, the rest was to be paid as rent; and if the landlord did not chose to take that and give a clear receipt, the precept was "put it in your pocket and keep it; you will want it if the landlord goes to turn you out." The next resolution, which was said to be the key of the position, was that nobody should take any farm from which another was evicted—this to be enforced, first, by combination amongst the people in the locality not to take it themselves, and secondly, by a similar combination to make any man's life not worth having if he dared to take it. The man who took it, the "land-grabber" as he was termed, was denounced as a traitor, as a public enemy, and as the worst possible criminal. It is not to be wondered at that, when a person who exercised his own free will in this free country, as it is supposed to be, ventured to take a farm which the Land League sitting in Abbey-street, or the local branch thought he ought not to take, it is not wonderful that the public opinion of the district, being instructed by these meetings that the man so acting was the worst possible criminal, the misguided people should forthwith proceed to execute justice on the criminal. It is but one short step, and the natural outcome of that Land League teaching. All this was to be effected by organization, by strict organization, and a network of subordinate conspiracies spread over the length and breadth of Ireland. Well, gentlemen, for the work of the conspiracy, the inventors of this new gospel, this new dispensation, found it desirable, as I have told you, to have a special officer, styled the organizer, and the organizer, as he tells you himself, is Michael Boyton, one of the traversers, who has spent his time for the last year going about this country doing what he was appointed to do, and doing it with all his ability, and power, and energy—forming, promoting, and establishing local branches of the Land League in communication with the central body for the purpose of carrying out this new doctrine of paying no rent but what you like, and resisting eviction even to the bayonet's point. If you are put out of the land, let it be a "model farm" that no living thing can go on! You will interpret that according to your several lights and dispositions, and the result will be that by these means the price of land in Ireland will be brought down to a very low figure; the landlords will find the country too hot to live in, and their rents being reduced, they will be anxious to sell cheap, and the land will become yours on very easy terms; the present owners of the land will disappear, and the land of Ireland will pass into the hands, not of the people of Ireland, but of the happy 500,000 present owners of farms who will wake up some morning and find themselves the owners of the land and in the position of being landlords themselves. In fact, according to this doctrine the happy consummation will be that, whereas at present the ownership of land is in the hands of some 10,000 "land robbers" and "land thieves," we shall then have 500,000 land robbers and land thieves in place of 10,000!

But, gentlemen, to proceed with my history. The Land League held their meetings in the rooms, 62, Middle Abbey-street—at all events when the information was filed that is where they were—but I am told they have left that and taken more convenient premises in Sackville-street. Now, I do not mean to travel through a number of those meetings, but I want to call your attention to two or three. On the 10th August, gentlemen, there was an ordinary weekly meeting of the League held in their office in Middle Abbey-street. Mr. Egan, the honorary treasurer of the body, and one of the traversers, was present. Mr. Brennan, too, was present that day, and he brought an interesting question before the meeting. It was this. A fund it appears had been reserved by the Land League out of the many thou-

sands with which they have been entrusted, ample funds they say themselves, I believe very ample,—a question was started by Mr. Brennan whether tenants who, after eviction, and thus having lost the legal right to their farms, were replaced as mere caretakers, occupying by no tenure at all, but simply as servants for the landlords, whether they came within the class of evicted tenants who were entitled to share in the benefit of the eviction fund? The amount of the eviction fund has been variously stated; but it appears to have been not less at any time than some £10,000. Mr. Brennan started the question whether the caretakers of evicted farms were entitled to any share of this beneficent fund? Well, gentlemen, there were some others there who did not feel any difficulty at all about the matter; one of the body, Mr. Kettle, objected to the idea of letting those poor people who had really lost their farms, lost every legal right to their farms, whose tenure was extinguished, and who were merely occupying as servants of the owners of the land—he objected to the idea of these people having any benefit from this fund. Mr. Brennan thought they might come within the spirit of the provision, but Mr. Kettle was inexorable! Mr. Kettle thought caretakers should not have relief from this fund, for if they did, the League would be playing into the hands of the landlords. The object of this eviction fund, he said, was to encamp—to encamp the evicted family in sight of their former land, and to keep them there so as to prevent people —to influence anyone from taking the lands, aye, or even setting foot on the lands from which they had been evicted. "When the tenants went back as caretakers they did not assume an attitude of strife or contention, and therefore he (Mr. Kettle) could not think they were entitled to any consideration of the kind." So this new gospel—new, indeed!—preaches and inculcates strife and contention; and only on the terms of maintaining an attitude of strife and contention are evicted tenants to be entitled to anything out of this eviction fund; whilst the people of the neighbourhood, as we shall presently see, were to take care that no man or living thing should go on such a farm. These are the means by which these confederates work out their design that the land so evicted shall lie absolutely waste. Well, gentlemen, that matter was disposed of; and this being done, Mr. Egan, the treasurer, who, though a very active officer, and I am sure a very excellent treasurer, has not been in the habit of going to any of the country land meetings —it takes him all his time, I suppose, to attend to his own business in town, and to the financial business of the Land League, receive the money and superintend the keeping of the accounts, and the making of investments—however, gentlemen, on that 10th August Mr. Egan proposed the following resolution:—"That the recent action of the English House of Lords in throwing out the Compensation for Disturbance Bill confirms us in the belief that the settlement of the Irish land question rests with the Irish people themselves. We, therefore, reiterate our call to the country to press forward the organisation of the National Land League, to refuse to pay all unjust rents; to take no farm from which a tenant has been evicted, under any circumstances; to buy no cattle, crops, or other property taken for rent, and to form a general industrial union (which the law calls conspiracy) against landlord monopolies." Well, gentlemen, as Mr. Egan has not given us many opportunities of hearing or reading him, I will read for you this speech of his, or part of it. He first discusses the Compensation for Disturbance Bill. He falls foul of an English member, who once was in great favour with Irish constituencies, namely, Sir George Bowyer, and also another gentleman, who was a member of the House of Commons at that time, an Irish member, namely, Mr. O'Clery. "It was really a great pity," said Mr.

Egan, "that Sir George Bowyer and Mr. O'Clery were not in the House now—they might pass for the three Graces." I am afraid Mr. Egan's calculating powers were somewhat at fault there. Perhaps the reporter leaves out one of the names, for although Sir George Bowyer and Mr. O'Clery are very important personages, they do not make three. Be that as it may, he regrets that they should pose as champions of religion and morality. They had some qualms of conscience about the new gospel which seemed at right angles, not only with theology, but honesty, and they ventured to express an opinion to that effect which was, of course, an unpardonable offence. "He (Mr. Egan) was an exceedingly bad prophet if he did not see the people of Dungarvan calling some one to account at the earliest opportunity. The resolution which he was proposing did not go as far as he would wish. The resolution was to press forward the organization of the Land League for the purpose of inculcating the refusal to pay unjust rents,"—every man interpreting just and unjust as he found most convenient for himself.—"Now the time had come when the tenant farmers should enter into a strike against all rents, pending a settlement of the land question." Well, there is a boldness about that which is refreshing. Some of the members of the League elsewhere took the same view that Mr. Egan took on the 10th August, and got resolutions passed that no rent should be paid pending a settlement; and the longer the settlement is protracted the better for the tenants and the better for the advocates of confusion. "That was the only way," Mr. Egan proceeds, "to bring landlordism to its senses. They saw the rapid progress of the industrial classes in England and Scotland, and how strikes were sustained against low wages and long hours." Quite so. But it never occurred to those industrious people who formed the mass of artizans in the English and Scotch towns that they should both insist on not going to work except at their own price and yet still keep the looms or other property with which they were entrusted. No; it was reserved for the Land League to invent a scheme by which the man who got the land on condition that he should pay his rent, should keep the land and not pay for it. "This question," Mr. Egan adds, "could be soon settled. They could compel the landlords to collect their rents at the point of the bayonet (there is a suggestion of peace) as they did the tithes years ago." He is in error there. The landlords did not collect the tithes at the time he refers to. "And, though the slaughter of Newtownbarry might be repeated, rents must in the event go down." Mr. Egan there refers to an unhappy and dreadful incident during the tithe war of 1831, where, in the illegal resistance to the payment of what was then a lawful demand, a number of poor people lost their lives. He seems to hold that, as a means to an end, it is better people should lose their lives—better have a Newtownbarry, if thus you get rid of the landlords and rents together. What signifies a few lives—Irish lives—if the end is so near? Well, gentlemen, he goes on to say:—"The time was passed for any settlement of the Land Question on the basis of fixity of tenure, free sale, and fair rents." That was the doctrine of an altogether earlier time—that was the proposition which was presented to the Irish people even by Mr. Parnell himself at an early stage—fair rents and absolute security of tenure. But, gentlemen, as time wore on, whether it was that there appeared to be a possibility of that being obtained for the tenants, I don't know, but as time wore on that was abandoned, and the proposition is made, not for the gradual change of tenancies into ownership, but for one fell swoop of landlords out of the country; tenants no longer to pay any rent at all, but to pay for some few years an annual instalment of purchase-money; and each instalment

being less than the present rent they had agreed to pay. A very convenient way, no doubt, for acquiring land. Whatever else this scheme contains, it has this advantage, gentlemen, that it is perfectly impracticable, and if the ultimate object is that which the traversers themselves declare it to be, viz:—to effect in the end a disintegration of the Empire—it cannot be more effectively promoted than by advancing their demands to the point of impractibility. The result must be discontent and confusion, and in the meantime the trade of agitation goes on apace in this unhappy country. Well, the time is said to be gone by for settling the land question on the basis of fixity of tenure, free sale, and fair rents; that being the basis on which no inconsiderable body of the people think there could be a fair and advantageous settlement, including amongst the persons who hold this opinion the Bishop of Cloyne and his clergy, the Archbishop of Dublin, Dr. M'Cabe, and his clergy, and many others entitled to a respectful hearing—that time is declared by Mr. Egan to be gone by. Therefore it is not to that end that the Land League and its instruments are working up the people by their meetings and articles in the Press. "They told them," Mr. Egan winds up by saying, "they now understood the land was their own, and they were determined to have it." Yes. Nothing like coming to the point at once—"It was always ours, and now we are determined to have it." Well, gentlemen, Mr. Egan having finished his speech, he is followed by Mr. Sullivan, the traverser, who entirely approves of these excellent sentiments thus expressed by Mr. Egan, and so approving he publishes Mr. Egan's speech in the *Nation* accordingly.

Well, gentlemen, another meeting of the body was held on the 21st September. They held weekly meetings, but I do not want to weary you by going through them all, or indeed more than a very few of them; but there was one meeting held on the 21st September, to which I wish to call your attention, as reported in the *Nation* of the 25th. Mr. Sexton, one of the present traversers, was in the chair, and amongst others who took part in the proceedings were Mr. Egan, the treasurer, and Mr. Brennan, one of the secretaries. There were, I believe, only three of the traversers present. Mr. Brennan announced that he had just received the following telegram from a sympathiser in San Francisco, General W. Rosencrantz. I do not know who that gentleman is, but he is chairman, I suppose, of the San Francisco Land League:—"Sept. 11th, 1880.—The Land League, Dublin. One hundred thousand people welcome Michael Davitt. Hold the harvest. No surrender to landlord tyranny." Now at this time, in September, we had been blessed with an abundant harvest. There was a prospect of the country enjoying a time of comparative prosperity such as we enjoyed some years ago, and with peace and order I cannot but think we might have been in a fair way towards a happier condition than we find ourselves in just now. However, General Rosencrantz, of San Francisco, thought this was the time, when there was a good harvest, that his admonition was needed; there might be some failure on the part of the Irish Land League; they might give up "the attitude of strife and contention," and return to the ways of order and peace, a fearful consummation which could not be tolerated by any man—at all events, by a warrior so far away. Gentlemen living in San Francisco might find it convenient to counsel disorder in Ireland; but I very much incline to think, if the General had to deal with people who created disorder in San Francisco, he would make short work with them. However, there is the telegram all the way from California and across the Atlantic, directing the Land League—now that Heaven has blessed the land with an abundant harvest; adjuring the people to keep it for themselves. "This year the Almighty in His goodness has given you

a plenteous harvest; now is the time to keep it and repudiate your engagements." A new gospel, indeed, somewhat strange to old-fashioned people—aye, strange to Irishmen like the Archbishop of Dublin and countless others who think religion and morality ought still to have some hold over the people of Ireland—"a land of faith and old renown"—not the doctrine that was proclaimed forty years ago by the great O'Connell—not a doctrine that ever was preached or even avowed in any civilised country before. Well, gentlemen, they proceed to business. Having read this telegram from General Rosencrantz, Mr. Brennan calls the attention of the Association to an interesting case. He said a man named William Burke, who had been evicted near Castlebar, had been in prison once, and his wife three times, for retaking possession of the farm. The man had been assisted to go to England to work in the harvest, but the wife remained behind; and this heroic lady, who had three times broken the law, has, by reason of that attitude of strife and contention, a grant of £10 voted to her. Well, then, Mr. Brennan went on to another case. He said Mr. Persse, of Roxborough, had evicted a man called Fallon. The tenant had gone into the workhouse, but some people returning from Woodville land meeting, very naturally, had smashed open the house, and reinstated the tenant. Of course they did! What could any man expect as the result of the preaching of this new gospel whether at the Woodville land meeting or elsewhere, but that tenants would immediately proceed to give practical effect to the teaching they had received. Well, for this excellent conduct—breaking the law, forcibly breaking into a house from which a tenant had been evicted by law for non-fulfilment of his obligations—for this excellent conduct a sum of money is, at Mr. Brennan's instance, voted by the society to Fallon. Again, the Rev. Mr. Hea, also a member of the League, had written to say that a man named James Price, an evicted tenant, had been sentenced to fourteen days' imprisonment by the Crossmolina magistrates for retaking possession of the house from which he was evicted in June; "he was once prosperous and well to do," and so forth, and he gets £5 as his reward, and to encourage others to go and do likewise. Then there are other sums voted, more particularly to what are called watchers—those people who watch in the neighbourhood of a farm from which any one has been evicted to see that no one takes it, or dares to go on it. Mr. Brennan then says that he has a letter from the Ballina League, that at Carrow-weir, the property of John Irwin, a poor woman with three children was turned out, but they burst open the door, and had retaken possession—£5 to them—to inculcate observance of the law and constitutional and legal action.

Well, gentlemen, one more meeting, and I have done with this part of the case so far as the Land League meetings in Dublin are concerned. There was a similar meeting held on the 19th October, reported in the *Nation* of the 23rd. Now, there were several of the traversers there on that occasion. There was present in the chair the President of the Association, Mr. Charles Stewart Parnell, Mr. Joseph Biggar, Mr. Thomas Sexton; Mr. Boyton, the organizer, was there, Mr. Brennan, secretary, Mr. Egan, treasurer, and Mr. Matthew Harris, all the way from Ballinasloe. This was an important meeting, because Mr. Parnell, who had been released from his Parliamentary duties attended. Mr. M. O'Sullivan, assistant secretary, was also there. Mr. Egan, the treasurer, announced that the amount of subscriptions received since last meeting was £44 and he made the remark that it came entirely from the different branches of the League throughout the country—"Mr. Egan handed in £25 from the workingman's fund of Birmingham for the use of the League. Mr. Egan said he had received a communication from Mr. Davitt. He

had made satisfactory progress through America, and he expected to return to this country on the 31st November; he had established active working branches of the Land League in various parts of America"—Ireland was quite too inconsiderable a field for the traversers' operations —"from which they might expect sustained assistance for this movement." Indeed we have been told openly, and told by Mr. Parnell himself, that they might expect any amount of money from that fruitful tillage ground—America—"if they only maintained a manly attitude," that is an attitude of strife and contention, and demand as their own what up to this other people—namely, the present owners, as well as the law—have considered was theirs; but which with this teaching of strife and contention the tenants have been led by these false teachers to imagine belongs to them. "The meeting then proceeded to business. £10 was voted to a man at Dunmanway, £10 to some tenants of Archdeacon Bland." Why? The tenants had unlawfully retaken possession. "Grants of £5 to £15 were made in other cases." Mr. Brennan read a letter from Mr. Edward Bennett, of Ballycar, county Clare, submitting to the Central Body, as the natural advisers of the local branches, a knotty question. It was nothing less than that whether they should only pay the amount of Griffith's valuation. "They had held a meeting at Ennis on the Thursday before, and Mr. Bennett had proposed a resolution that the tenants—the tenants of the county Clare—should pay rent only at Griffith's valuation of their holdings. At the request of the chairman, the Rev. Mr. Kenny, and Mr. Ryan, he consented to adjourn the matter until Wednesday, with the suggestion that the League in Dublin should be consulted about the matter." Mr. Parnell answers the question, and solves the difficulty. He said "he thought it was a question of how much the tenants could afford to pay," not what they were bound to pay, or what they agreed to pay, or in justice and honesty they ought to pay, but "how much the tenants can afford to pay, should be left to the local branches of the League to decide. It would depend so much upon the circumstances of each case." Certainly, according to the Land League doctrine it would depend upon the means which each tenant had—how much he wanted to maintain himself and his family in ease and comfort, and, of course, if he had ten children he would want so much the more; but whether the rent was fair or unfair, or whether the man had agreed, when he was perfectly free to take the land or not, to pay the rent is left out of consideration as wholly impertinent. It was left to the local body to say what rent they could afford to pay—"that would give the local branches a good field for work." Mr. Parnell has some sense of humour, although you might not think it, and no doubt it did strike him as affording a good field for work for the local branches who could just arrange this matter amongst themselves. It amounted to this, when put in plain English: "To every tenant I say pay what you like, and if you don't like paying, why, don't pay, and the Land League will maintain you in your virtuous attitude of strife and contention." I don't know whether any merchant, or any other person than a landlord, for landlords may be put out of the question altogether—whether a man who has any other kind of property would like to see people who owe him money gathering together and agreeing in their different districts and deciding what they should pay him—not what they were bound to pay, but just what they would like to pay. "Whatever decision the local branches came to in reference to the amount of rent to be offered, he thought it would be the duty of the Central Land League to support them." So it was arranged that if the Ennis Land League came to the conclusion that the tenants should pay their landlords

a penny or a halfpenny in the pound or nothing at all, it would be the duty of the Central Land League, as the authors of this doctrine, to support them. Yes, it would, of course, be the duty of the promoters of these mischievous schemes to support the poor instruments whom they had succeeded in deluding, and accordingly that responsibility is there formally accepted. Mr. Kettle adds this suggestion: "That depends greatly on the amount of organization in the locality, and the stuff the people are made of." This one observation of Mr. Kettle, that much depended on the extent of local organization, upon the degree to which the conspiracy had been made to take root in the hearts of the people, and upon the stuff they were made of—whether they were men of stern resolve, and determination, who would scarcely yield even at the point of the bayonet, or whether they were of more pliant material, who would be willing to yield a little to escape the terrors of the law—showed the nature of the Land League teaching. That Clare case being disposed of, Mr. Boyton calls attention to the fact that the tenantry of Mr. Adair, near Mountmellick, in the Queen's county, were about to go in a body to the rent office in a few days to make a stand against their rents. At this point "Mr. Egan observed that application was made to establish a branch of the League at Mountmellick"—this organization that was so useful—"go in, honourable tenants, and determine what you will pay and what you will not pay—institute a local body and we will give you aid in the shape of advice and money, as well as other assistance from the central office in Abbey-street." Mr. Egan having said there was an application about establishing a branch of the Land League at Mountmellick; Mr. Parnell then suggests, I think very naturally, that the branch should be established there before Mr. Adair's rent day came round. Precisely so. It depended on the amount of organization and the quality of the stuff the people were made of, whether they were likely to succeed in defrauding their landlord of his money. Mr. Brennan then reports, "That at a land meeting held at Westport on the preceding Sunday, a man who had taken a farm from which another tenant had been evicted, came forward and publicly surrendered it." Better probably, gentlemen, for him to do so, seeing that he had done that which it was frequently stated no man would dare to do. He had gone upon a farm where, to use the expressive language of Mr. Dillon, "no living thing can go."

Well, gentlemen, these novel doctrines, this new gospel of strife and contention, has been maintained for several months by the traversers, and as their immediate professed object—for they make no concealment of their real ultimate object—is declared to be a change of the land system, one would naturally suppose that the traversers had some deep personal interest in the land, for all people work best for that with which their own interests are identified; but it is a curious fact that, I believe with the exception of Mr. Parnell himself, who is a landlord, I don't believe one of them has anything on earth to say to land or ever had. For example, Mr. Dillon—whose father I well remember, as a kindly high spirited gentleman, who would hardly, I think, have resorted to this sort of action—he has nothing to do with land, but I believe is or was a medical man before he gave up practice; for, I presume he has given it up. Mr. Biggar, I understand, is, and, at all events, I know he was a provision merchant in Belfast. He has no land. Mr. Sullivan still is, as Mr. Dillon introduced him to the people at one of the meetings—"Mr. Sullivan of the *Nation*"—well known to us all. Mr. Sexton was once, I believe, before he changed his occupation for that of a Member of Parliament, assistant to Mr. Sullivan in the conduct of the *Nation* newspaper. Mr. Egan, I am informed, has a store in Great Britain-street where he sells bread and flour. Mr. Brennan was once,

I believe, secretary or clerk to some company, near Glasnevin, but he has found it more agreeable, and I, suppose more profitable, to engage in his present business as secretary of the Irish National Land League. Mr. O'Sullivan, the assistant secretary, I am told was once a National schoolmaster. At all events, he has had nothing to do with land. The organizer, Mr. Boyton, I believe has no land, and his father is or was a shopkeeper in the town of Rathangan. Mr. Sheridan keeps a public house in Tubbercurry, a village in Mayo. Mr. Gordon carries, or lately carried, on the serviceable business of boot and shoemaker in Claremorris. Mr. Harris is a builder and road contractor, I am told, in Ballinasloe. Mr. Walsh was once a commercial traveller before he gave it up to become traveller for the Land League, and Mr. Nally is, I believe, nothing; at least I cannot find that he ever had any useful calling. Don't misunderstand me in describing these traversers by their several occupations, such as they were or are, and their respective positions in life. I mean to cast no reflection on them so far as they followed their honest occupations, whether high or low. But what I desire to notice is this, that these regenerators of the land system of the kingdom have nothing on the face of this earth to do with land, either as owners or occupiers, and never had. And this suggests to one's mind irresistibly the question whether they really want anything done for the reform of the land system, or whether their object is not, as they sometimes indeed boldly avow it to be, the breaking up of the Empire—an end often sought before, but always until now by bolder and, as it seems to me, less discreditable courses. It is a curious circumstance that men who are shoe makers in Claremorris, or builders in Ballinasloe, or public-house keepers in Tubbercurry, and others, are found wandering over the face of Ireland, meddling with what they have no personal interest in. What can be the explanation of this? Why, that they are merely paid agents, and I cannot doubt that they find it pleasant as well as profitable to go on these excursions through Ireland, forming branches of the Land League, and preaching as well-paid missionaries this new gospel. We are told over and over again that the Land League has ample funds. Well, I believe they have—heaps of money, and we are told that besides what they actually have in hard cash or in safe investments, they have unlimited credits upon their simple friends in America, Australia, and elsewhere—no end of means and resources to carry out the objects of the League; including, as I ventured to tell you yesterday, those ultimate objects which, as they sometimes frankly admit, involve sedition and treason, though it be worked out in a safer way—and without taking the field as their predecessors did before.

Gentlemen, I have one more speech of Mr. Egan, and then, I shall have to admit that his eloquence ceases. He had the important department of finance to attend to in Dublin, and he did not travel about the country—this man of peace and good will, but I find that at the meeting of the Land League held on the 8th June—going back a little—Mr. Egan was present, and he inculcated this doctrine which, as I have said, you will find repeated from time to time in various forms of speech. He said, "Their object to-day then should be to create such a state of feeling in the country as would prevent any man from taking a farm from which another had been evicted, or buying anything at a Sheriff's sale." Now, closely following that meeting, another meeting was held on the 13th June at a place called Killasser, in the county Mayo. The proper mode of dealing with a man who would commit such a horrible crime as bid for cattle at a Sheriff's sale or take a farm from which anybody had been evicted, justly or unjustly, was there indicated by Mr. Walsh, who told the people they should scorn such a man as an unclean thing. Mr. Nally, following this up, at a meeting

held on the same day at Ballyglass, uses what I cannot but think somewhat blasphemous language, as I put it to you yesterday, that the man who would venture to consult his own interests, and buy cattle at a Sheriff's sale, or take a farm from which another had been evicted, was "worse than the robber that pierced the heart of Christ." Again, Mr. Boyton, at a meeting held on the same 13th June at Newtown, in the Queen's County after declaring the ultimate object of the League to be separation from Great Britain, adds—"Ireland has again and again shed its blood in abortive attempts to rescue itself from the infamous touch of the vilest Government that ever cursed the earth." Very strong language, certainly, and yet I venture to think that under "the vilest Government that ever cursed the earth," we have a great deal more liberty for each individual amongst us than we would have if it were replaced by an Irish Republican Brotherhood, as may, perhaps, be dreamed of by some of the present traversers, whose idea of liberty is, "Don't let any man dare to do what we don't think right"—the very worst form of tyranny that man could ever meet with. The tyranny of one man is nothing to the tyranny of a mob. The tyranny of an individual may be got rid of, but from this form of tyrannical government by the arbitrary will of the majority of the hour there is no possible escape. Mr. Boyton, however, the organiser of these country leagues, says to the people of Newtown—"There have been evictions in Mayo, Galway and Tipperary, and the caretakers that are watching these evicted farms and inhabiting these homesteads, are the bats and the owls, and God help the man who dares go near one of them." That is clear, intelligible language. No mistake about it. That is moral pressure enforced by fear of the bullet—"God help the man who dares go near one of them." Now, gentlemen, before I proceed to give you authentic and indisputable evidence of the combination of the traversers for the purposes we have described in the information, I wish to say a word as to what is always the resource and device of defendants in a case of this kind. No matter how mischievous or evil the speeches of members of the Association may be anybody who interferes with them is immediately denounced as an enemy of free discussion. No matter how pernicious this new gospel may be, no matter if murder were preached in every parish in the land, we should still hear the same cry, do you want to stop free discussion. On the part of myself and those with whom I act I take leave to say that our object is not to put a stop to free discussion—it is not to restrict the free will or the free judgment of the people of this country—I say that our object is rather the very opposite. It is to deliver this country so far as may be from a most intolerable tyranny by which the free action of every individual is overwhelmed by a widely spread conspiracy acting like an octopus through its various leagues and branches; it is to secure to every man, as far as we can, that to which he is entitled —the right to do whatever he likes and say whatever he thinks, provided only he leaves the like liberty to others. It is to protect the poor as well as the wealthy or comparatively wealthy—it is to protect the property of the poor as well as the property of the rich, and secure every man, of what sort or condition he be against the system of aggression and coercion which is taught and promoted by these agitators, so that each one of us may go safely about our business by day and sleep securely in our houses at night. We desire to leave to everyone perfect freedom of action—freedom to discuss the principles of communism or any other ism —they may talk the greatest nonsense, or the wildest trash that ever entered into the head of the reddest republican on the face of the earth—they may exercise their gifts of preaching, they may do all this as much as they please, provided only they do not use their powers for the pur-

pose of tyrannising over people who do not agree with them. It is for the purpose of asserting free discussion, not for the purpose of putting it down, and for the purpose of securing to every man the right which these agitators have arrogated to themselves exclusively—the right of freedom of speech and action. Is the object of this agitation the promotion of freedom of speech—is it for the purpose of promoting free discussion on the Irish land question—so that measures may be passed for the relief of the tenant farmer from the hardships under which he suffers? It is for you to say whether you believe it is. Has any petition ever been got up at any of these meetings? No. The people have been told over and over again that they are not to look to Parliament—they are to look to themselves and to themselves alone. I told you I would endeavour to prove the charges against these gentlemen out of their own lips. Well, the people are warned by Mr. Dillon at Kildare on the 15th August, "not to put your trust either in the English House of Parliament or in the Royal Commission, of which your chairman spoke." The chairman, I suppose, retained some old notions of propriety. He called the attention of the people to the fact that a Commission had been appointed by the Government to inquire into their grievances and find out the means of redress. But so far from wishing to strengthen the hands of these who desired to promote the amelioration of the tenant farmers by constitutional or parliamentary processes, Mr. Dillon warns the people to place no reliance in the House of Commons or in any constitutional action. This was, I think, almost, the first time he appeared publicly in this country after he returned from America. Well, he goes on to say:—"The rights of the people are to be won by the exertions of the people themselves"—not Parliamentary action, not by passing resolutions and presenting petitions to Parliament to influence the Legislation by which alone these things can lawfully be done. "We, your representatives, have good duties to perform in Parliament, and we cannot do those duties and get justice for Ireland unless you fight it out yourselves." He then proceeds to say what he can do. "We can paralyse the hands of the Government." This was constitutional agitation! Is it to get the Government to pass measures ameliorating the peasants' lot? No. "We can paralyse the hands of the Government and can prevent them passing coercion laws that would throw you into prison for organising yourselves." Well the common law can do that, if necessary, without any parliamentary enactment. "We can tell you, the people, to drill yourselves,"—that is not the ordinary way of getting up a petition—"and organise yourselves. We can take it out of the power of the police to arrest every man found out after eight o'clock at night. We, in Parliament, can see that Irishmen have a right to be out after eight o'clock, or all night if they like. We will see that they have a right to march to meetings and obey the commands of their leaders, if they choose to do so. We shall see that every man has a rifle," and so forth; but as to the amelioration of the land laws, by Act of Parliament, don't mind that, don't trouble yourselves about that at all. That is not Parliamentary work. We mean to do it for ourselves here in Ireland. When we have got you all with rifles in your hands, and properly organised, we can snap our fingers at the Legislature. We don't want to petition them; we don't ask them for anything; we don't want to follow in the wake of any Government.

Gentlemen, when agitation comes to that point, it is idle for anybody, counsel or other, to attempt to cry out that a prosecution against language such as this, is an attempt to stifle free discussion. I am afraid that those very rifles are rather relied upon to stifle free discussion when once they are put into the hands of the friends of the traversers. Well, Mr. Parnell,

speaking in the following month on the 19th September, at Ennis—the first speech he delivered after the recess says—"It depends, therefore, entirely upon yourselves, and not upon any Commissions, or any Governments. When you have made this question really ripe for settlement then, and not till then, will it be settled. It is very nearly ripe in Mayo, in Galway, in Roscommon, in Sligo, and in portions of the county Cork"—that is to say those portions of Ireland, have been sufficiently organized, the net work of conspiracy has been sufficiently formed, the people united as one man, as Mr. Nally frequently reminds us, they have all now got arms, and being sufficiently armed and organized, and being of sufficiently resolute stuff, they will settle the question for themselves. Well again, Mr. Brennan, at Ballyshannon, on the 20th September, says—"We want to teach the people"—that is, "We" the Land League, want to teach people. There is no mistake about their utterances. It is only just to say of them, that they are perfectly candid. They play a strong game, but as to what they are doing, they don't leave us in any doubt. I don't ask you, gentlemen, to believe me, but you will at least believe the traversers themselves as to their purposes and designs. "We want to teach the people that their own cause rests in their own hands; that they are not to leave that cause to any leaders, no matter how honest or able those leaders may be. If this country is ever to be redeemed politically or socially, it will be by the might of mind, and might of arm of Ireland's manhood,"—not, you will observe, by parliamentary or other discussion, not by enlightening public opinion, but by force. Then again, Mr. Sexton, on the 2nd October, at Kilkenny cries, "Believe me there is nothing to be done with the Parliament of England." I thought it was the Parliament of Ireland as well; and so does he when he is at Westminster; but in Ireland, he treats as merely English. "There is nothing to be done with the Parliament of England, until the tenants of Ireland, prove by determined and united action, that they are able and resolved to settle the question for themselves." There would be little to do in the Bankruptcy Court, in the matter of arranging debtors, if the debtors could all meet, seize arms, and cry that they would settle the matter for themselves. The principle, believe me, is of very general application. Mr. Dillon, also laid down the same doctrine on the 10th October, when he addressed his constituents at Templemore. He told the Irish people that the hour for argument was gone by. Well, if the time for argument has gone by, the time for constitutional discussion has gone by and the interest of free speech cannot suffer from this prosecution. "We tell the Irish people," he says, "that the time for argument has gone by, that they have been arguing for the past eighty years with the Government, and they have got nothing but eviction and ruin and rack-rents. We tell them that if they wish to have this question settled, if they wish to have their own homes their own property, and to save themselves from rack-rents and evictions, that they must do it, not in London, but here in Tipperary by their own exertions and by combination, and the means which we lay out for the Irish people are, organization, the most careful and strict organization of each district." Every bit of Ireland, every parish, every townland is to be covered with the strictest conspiracy for the purpose of effecting the ultimate object these people have in view. In the same speech he says again:—"I believe if you act upon these lines and organize yourselves thoroughly, and never mind Parliament at all, that you will bring about a settlement of this question very soon, and a settlement very favourable to the people. Do you reduce the rents in Tipperary. Do you prevent evictions in Tipperary, and let the Parliament in London settle the land question whenever they have time."

Now, Mr. Parnell in more concise language at Longford the following Sunday (17th October), says the same thing in substance:—"The nature of the settlement of the land question depends entirely upon yourselves." It does not depend upon the Legislature; no need for free discussion; the time for argument is passed; the time for force has arrived. Again, in Tipperary, on the 31st October, Mr. Dillon says, "The people have petitioned Parliament too often; the people of Ireland will not petition Parliament again." It is quite clear that we are not interfering with the right to petition, and "as the time for argument has gone by," we are not interfering with free discussion. "No," Mr. Dillon adds, "the people of Ireland will settle their own questions upon Irish soil in Tipperary, and the other counties of Ireland." That is we will override the law. We will have no argument, but we will maintain ourselves in an impregnable position by doing what we like, paying what we like, and keeping a firm grip of our holdings, whether we pay the rent of them or not. We will form conspiracies, calling them organizations, in every parish. In other words, we will do what the law from the earliest days has pronounced to be mischievous and criminal. In entire accordance with these views, Mr. Boyton, the head organizer, says at the same Tipperary meeting—"It is here in Ireland that we will first settle the land question in our own way, and we will then, please God, go on with another League when this has ceased to exist, that will put the people of Ireland on the right road to settle another and a greater question." Have you any doubt what that means? The farmer is only a catspaw at present, though he thinks, poor credulous man, that he is the object of all their care. Former conspirators for a seditious purpose felt the difficulty that existed from their not being able to enlist the tenant farmers of Ireland in their cause. The bait is now carefully prepared for them, and they are induced to believe that all this Land League machinery, with its ample funds, all this outpouring of eloquence, all this missionary work of agents, taken from their ordinary occupation of building houses, and making shoes, to preach this new gospel through Ireland is all for them; that it is all to ameliorate the lot of the Irish farmers. But there is this difficulty, that as the prospect of the Irish land question being fairly settled comes in view, we find the demands of these friends of the Irish tenant farmers vanishing into the impracticable. It would not do to have it settled. A gradual absorption of ownership by making the land free to be bought by every thrifty farmer who with State assistance may buy his holding when the opportunity offers, changes into the compulsory expropriation of all owners. Well, gentlemen, in the last speech made by Mr. Parnell prior to this prosecution, his speech at Limerick, on the 1st November, he tells the people that it is doubtful whether the Legislature can be trusted to do what is wanted; "But," he says, "the Legislature will do this for you, it will ratify the settlement you achieve for yourselves. It will not reduce your rents for you, but when you have reduced them yourselves"—by dishonesty and unlawful combination—"then it will come in, and by Act of Parliament ratify the settlement, and render the continuance of this agitation unnecessary." "You have the power," he says, in the same speech, "to settle the land question this winter in Ireland, and when you have done that, and not till then, the English Parliament will do it for you." Well, if they can do it for themselves, I don't see that they want any Parliament to do it for them. Plainly, however, it is not constitutional agitation; it is not free discussion they desire. They tell us, indeed, it is not even speechifying they want—they say there is no use in going to meetings and listening to speeches, and shouting "hear, hear," and cheering and groaning, and shouting to shoot obnoxious persons. No; it is strict

organization, it is work, that is wanted. Coming back again to Mr. Dillon, we find him at Thurles, on the 14th November, advising the people to "keep up the meetings, to continue discussing the state of the country, to communicate with the central body when anything turns up, and, by keeping the whole country in a state of organization, we will be in a position to say that the Irish people are no longer to be called miserable, or poor, or oppressed, except through their own fault—that we, the Land League, without asking the assistance of Gladstone or the English Parliament, have abolished the system of tenure at will in Ireland, and that we have made the Irish farmers owners of their own farms by their own exertions, and without the intervention of English law."

Now, addressing you as clear-headed, sagacious men, have you any doubt that free discussion as to the best mode of effecting a settlement of the Irish land question by fair means is not what the traversers want? They cry out and proclaim that the time for argument is gone—there must be no more discussion about it—no, but every man, aye, and woman, and child, too—for all suffer alike—must do as we say, and God help the man who does not. Gentlemen, that verges very closely, I think you will say, upon sedition, and that such is their real object, and not the amelioration of the peasants' lot, I think will be obvious to you from the few extracts I shall now give you from the traversers' speeches, all delivered about the same time, and some of them on the same day. For this purpose I begin in June, as I did before. I find then, Mr. Boyton at Newtown on the 13th June, using this language:—"For the first time in history the people of Ireland are making an effort to stand on the soil that God created and blessed—a land consecrated by the footsteps and graves of thousands of saints"—yes, an Island of Saints, and for the first time in 1800 years and more, has this "Isle of Saints," been desecrated by doctrines industriously preached of dishonesty and fraud—"a land that has shed its blood again and again in abortive attempts to rescue itself from the infamous touch of the vilest Government that ever cursed the earth." Well, Mr. Gordon, leaving his useful occupation in Claremorris, goes off to Shrule to speak. I hope he is paid for it, otherwise it would have been better for him to stay at home and "stick to his last." I cannot doubt, indeed, that he was paid. We know—indeed, we are told over and over again—that there is plenty of money in the coffers of the League, and as we cannot shut our eyes to the fact, that these people have no personal interest in the question, the only conclusion that we can come to is, that these missionaries are paid by the League for what they do. Well, Gordon's views on Constitutional Government are peculiar. He has read something of the history of Ireland, for he knows O'Connell; but he differs from O'Connell. On Sunday, the 20th June, for this gospel is only preached on the Sunday in this Island of Saints—he says—"O'Connell once said the land of Ireland would be dearly bought by the shedding of one drop of blood"—"but I differ from him" adds Mr. Gordon. Well, the Liberator was one of the greatest men Ireland has ever had, no matter how we may differ in politics, we all agree in that; but he is to be regarded, according to Mr. Gordon, it appears, as a mere fossil in his opinions—Mr. Gordon cannot agree with him. "I differ from him; it is better for you to lose your blood, as Allen, Larkin, and O'Brien did in Manchester, and we are determined to do the same." Now, I think Mr. Gordon would have been better occupied at his original business of making shoes than in preaching doctrines of that kind amongst a distressed and excitable people. Naturally, however, as you would expect from what I have read before, he is not left much in advance by some of the others. Mr. Nally—whose lawful occupation seems to be unknown

—is found a few days after speaking in the same county; on the Sunday fortnight afterwards, at a place called Bohola—on the 4th July, that is to say a few days after a startling murder had been committed. I dare say, gentlemen, you remember how, upon the 29th June, a harmless man, who held what was hitherto considered an innocent position in life as bailiff or under agent for a gentleman in the West—a man called Feerick, having left the town of Ballinrobe, where he had been on ordinary business, for his home, was, long before darkness had set in, on that summer's day, shot down upon the high-road within one mile of the town. Take it as you will, all right-minded people of every shade of politics, or of any class, must regard that as a horrible crime, a startling tragedy that revealed the degree to which society was rapidly becoming demoralized. How does Mr. Nally refer to that terrible outrage? Talking of the promotion of this Land League agitation, with its effects of reducing rents by violence and fraud, of stopping eviction by force and terror, and of driving landlords and landlordism out of the country, he speaks thus:—"There has been more good done since this day week than all the speech-making"—the "pills," he cries. His recommendation always is to come to him and buy what he calls "pills," which are well known in the neighbourhood to be bullets, and he refers thus to this dreadful murder of the unfortunate Feerick—that more good had been done by that in the past few days than by all the speechifying. And to this the crowd respond by cries of "three cheers for Rory of the Hills." "I am a thorough nationalist," Nally says. "I say you must organise and establish a branch of the Land League. There has been more good," he repeats, "done since this day week—there has been a landlord shot in Ballinrobe." Yet, not a landlord, only a poor bailiff, or, at most, an under agent. "You can all have rifles now, and any of you who are not able to buy a rifle or gun have a pitchfork in your hand. But you must pay ten shillings for a license if you want to shoot the vermin. You all know the vermin I mean. I believe the words of the Act mean crows, magpies, and jackdaws. I believe they include vermin. You can do anything you like after, but I am not telling you to do it. You know pills are not bad, I mean for to help the indigestion; you will know them better by 'Scrab's pills.'" I believe he is known in the country as 'Scrab,' though I can't tell you the reason why. Now, there you have open preaching of murder for the furtherance of the object of our Irish National Land League, and the promotion of what Mr. Davitt calls "this new gospel." "Fellow countrymen," cries Mr. Sheridan at Lackagh, on the 1st August, "I feel proud at seeing you assembled here to-day in your thousands. We must assert our rights, and if we do not get them through our Members of Parliament, I would ask you then to ring out your voices through the muzzles of Minnie rifles as well as from these platforms." That, forsooth, is constitutional agitation, and we are interfering with free discussion when we call people to account for a conspiracy which sends speakers like this to preach sedition throughout the country and do all they can to reduce society to chaos. Again on the 1st of August, in Frenchpark, Co. Roscommon, we find Mr. Harris using this language. He is drawing a picture of an evicted tenant and how the people must meet in a body, and show a bold front to the landlord. They are to say "this man is our brother, this man is our neighbour, this man has a better right to the earth than the extravagant landlord, and we shall not allow this man to be disturbed. We shall not allow his farm to he taken from him, we shall not allow his children to be thrown out on the world, we shall not allow his aged father to be driven upon the mercy of the waves by any tyrant, no matter who he is," to which the excited thousands answer, "never."

Mr. Brennan, again speaking on the 8th of August, at Keadue, says—somebody had alleged that he had been prosecuted last year for sedition —"Yes," he says, "We did use seditious language against the power of landlordism, which had so long crushed the people, and please God, we will continue to use seditious language, and be guilty of seditious acts against the system that degrades labour and ennobles idleness."—No doubt about that—"Against the system that degrades labour and ennobles idleness." That is the old doctrine that no person can rightfully possess anything except what he has earned by the sweat of his own brow—that a man can only hold land so long as he continues to put a spade into it, and when he ceases to do so that the land must be handed over to others. I only hope when such is the case that some provision will be made for old people, and those who are not as strong as their neighbours. Mr. Boyton, the organizer of the league, at Ballingarry, on the 22nd August, referring to what Mr. Dillon, who had previously spoken, said of the necessity of organization—says, "Yes, so soon as these meetings, show, instead of being disorganized, a firm, determined and enthusiastic crowd, so soon as we can march four deep one mile of a column of earnest, honest, determined young men, stepping along the road—not drilling—marching to those meetings, we will begin then to show our teeth." Some, not perhaps so discreet, had been prematurely showing their teeth, for instance, Gordon, Nally, and Sheridan. Gordon again says, on the 19th September, at Kilconly—"I don't fall out with the man who says that the best way to get shut of that accursed system in Ireland is at the point of the bayonet; I tell you here to-day that if he is prepared to carry it out at the point of the bayonet, I am prepared to follow him." Now, again, comes Mr. Nally, on the 19th September, at Cooneal—for you find these people in different parts of Ireland—all using substantially the same language, and breathing the same spirit. Have you, then, any doubt it is because they are agreed in spirit—because they have been conspiring to the same end, and have associated for the purposes of carrying out their illegal objects. Nally says—"You will have to come to the point of the bayonet. I hope you will buy a lot of those pills that I will be selling, that this scoundrel called Churchill—he brought it before the House of Commons to know why a character like me should be allowed to go through the country. I will just repeat the same to day. No matter who he is or what his calling may be he can have a rifle and use it; he can keep it in his house, and by carrying it about he can have it for ten shillings a year, they are very cheap now. When I was brought before the House I did not say much, but what I said was—if a man wants to shoot some game, such as grouse, hares, partridges, or anything like that—by shooting vermin you have nothing to pay. Those vermin are crows, jackdaws, rooks, and everything else"—a very comprehensive description Mr. Nally gives of something to shoot at. "I can tell you you can shoot. There is no close season for shooting vermin (cheers for Mr. Nally). But what is the use, as I said before, of passing a resolution when it is not carried into effect?" And then he goes on—"You want something more than speechifying. It is no use unless you say you will go hand-in-hand under the standard of Wolfe Tone and Emmet, and go on the same scaffold, and until this is done we will never have total separation." How can you say that this prosecution is interfering with free discussion? It is absurd. You have the ultimate object plainly told you. I only wish it was understood with the same clearness by the farmers of Ireland themselves. Mr. Boyton then at Cahir on the same day gives his ideas of how this agitation is to be worked. He says, "Give us the Land League your adhesion to our cause. Stand together like men and when you are able to achieve your social independence"—that is by abolishing the land-

lords and taking possession of their property—"we may from the rank and file of 250,000 Land Leaguers, select an Irish national guard, that with the weapon of freemen slung upon their arm, the rifle, they may take the place of that organization that a hundred years ago gave Ireland a glimpse of liberty." On the 3rd October, the following week, Gordon goes down to Abbeyknockmoy and tells the assembled multitude—"Until Ireland is proclaimed a nation I will work by day, and I shall write by night, aye, and I shall plot by night until Ireland is a nation. Don't rest contented slaves by the fireside. Wherever you know there is a newspaper to be read, or wherever you see that Paudeen O'Rafferty's Commandments are read—let ye go there and listen to every word and go home. England is here only as a robber." Again, "I don't come to meetings for the purpose of being on the platform, but I came here to give a helping hand to proclaim before God on high that this land is ours, and if we cannot get it peaceably, to fight at our own doors for it."

On the following Sunday, the 3rd of October, at Cork, Mr. Parnell, addressed the people, and explained to them the meaning of this agitation. It was not, he told them, to get Parliament to redress the grievances of the people of Ireland, but the people, he said, "are to-day engaged in a great struggle—a struggle for the land of their country which was wrested from them centuries ago by force of arms. We believe that we shall, in the course of a short period, obtain the restitution of the land of this country which is due to the people of this country." This was the language addressed by Mr. Parnell to the people of Cork. I suppose it was intended rather for the Irish nationalists, who are said to be strong in Cork, than for the tenant farmers. "It would be better," he goes on, "for the landlords to come forward now, and offer fair terms to the tenants." It would be a matter of difficulty to find out what, in their opinion, fair terms are: "for I tell them that if they don't we shall soon be in the position of victors, and shall be able to dictate our own terms." Well, now, gentlemen, one or two more extracts will show you that this doctrine is not confined to a few speeches delivered in a few places, but is the creed preached everywhere for the whole of the months during which the agitation has existed; all the traversers using language which is substantially the same, though expressed with more or less strength or vigour. Nally, again, at Clerhaun, in the County Galway, on the 10th October, says "I'd have ye to unite, for without organization we cannot get total separation from that hated and detestable and blasted Government that we are under at present. It is very easy for us to talk in open air, and say we will do this or do that, while some of the most enthusiastic amongst you will go in for land that has been surrendered for non-payment of rent." It did not matter to Mr. Nally what the rent was, whether it was high or low, "when we get fellows amongst us like the seven brothers, we can smash them." I don't know who the seven brothers are, but they are referred to by Mr. Nally as well known to his hearers, and he goes on—"but keep together, keep strong and united, and dynamite and gun-cotton will scatter them to pieces." It is considered, it would seem, to be constitutional agitation to preach this sort of wholesale outrage and murder to the people of Ireland. Mr. Sheridan again, at Carraroe, tells the people of that district on the same day that his "own individual opinion is that Constitutionalism is only so much vapour." It is in his opinion all nonsense, the only thing I suppose is force, just as in the opinion of Mr. Nally, dynamite and gun-cotton are the proper arguments. Now, Mr. Brennan, I find on the same day that we hear these atrocious suggestions from the mouth of Nally, was using more guarded, but even more significant language at Westport, in Mayo. After enforcing Mr. Par-

nell's first principle—that, of all things, the tenants are to keep a firm grip of their farms; during which part of his speech, at the most exciting passages, cheers were given for the insurgents of '65. "Yes," Mr. Brennan rejoins, "Cheers for the men of '65, for were it not for the men of '65 and '67 we would have no national opinion in Ireland to-day. When these men were cast into prison, the predecessor of this high ecclesiastic came forward with another manifesto, and without a particle of evidence charged these pure minded men with the darkest of crimes." This referred to the late Cardinal Cullen, and was followed by cries of "He was a Government hack, and to hell with him." Yes, Ireland, whose soil is "consecrated by the graves of thousands of saints," when anything is said against these agitators' views, even by a high Church dignitary, is witness of this impious and unnatural language. "And now it is when the air is again thick with rumours of arrests"—this was in October, and there was some talk of arresting these people—"that Doctor M'Cabe comes forward with his manifesto, in which he almost charges us with being the instigators and perpetrators of assassination." Well, gentlemen, it is not right, without sufficient evidence, to charge people with crimes of that enormity, but I may say that the mild deprecation with which murders have been treated by the traversers is not what I would have expected from persons of their intelligence and education. The perpetration of the murder of a landlord or agent is discussed with an amount of calm unconcern that, to say the least of which, is not usual in civilised countries. Now, as that last speaker, Mr. Brennan, is so very strongly displeased with Dr. M'Cabe, and as Dr. M'Cabe's pastoral is printed in the *Nation* of the 16th October by Mr. Sullivan, we have an opportunity of comparing and seeing what it was that so utterly disgusted Mr. Brennan. Certainly the old gospel, as preached by Dr. M'Cabe and by his predecessor in the See of Dublin, does not quite harmonise with the new one. I will say that much at all events. Well, the Archbishop had just called attention of his suffragans and the Catholic clergy in Dublin to the condition of this unhappy country. He says "The periodical famines with which our people are continually threatened, the insecurity of their land tenure, which paralyzes the most industrious hands, and the wretched condition of thousands of families all proclaim that our land laws require prompt and thorough revision. On this point we are all united." And, gentlemen, I think I may say, that all practical politicians are united on the point. The Archbishop then proceeds—"All agree that if peace and security are to be firmly established amongst us it must be by the hand which blots out those odious laws that constitute the charter of oppression. Good landlords, whose dealings with their people are marked by justice and kindness, are, thank God, numerous in the country;" that indeed does not agree with the views the agitators are pleased to take when they designate the landlords as models of villany—"the sum of all that is villanous"——"but unfortunately many are to be found who, under the pretence of asserting their just rights, arm themselves with all the power which harsh laws place within their reach, the result being that misery and fierce hatred reign supreme around them. Surely this state of things must not continue unchecked. But whence shall this remedy come?" Yes, that is just the question. "The management of public affairs is now placed in the hands of men who seem to have the most abundant goodwill to redress the wrongs of this country as far as a Government can accomplish such a work. Guarantees for the sincerity of their good wishes are furnished by their antecedents; their determination to carry on the administration of affairs in Ireland by laws in harmony with constitutional liberty has been made manifest, but how has this generous and unusual moderation been met?"

Mr. *Macdonogh.*—I beg my friend the Attorney-General's pardon, but may I ask him what he is reading?

The *Attorney-General.*—I am reading from the pastoral of Archbishop M'Cabe.

Mr. *Macdonogh.*—Then, might I ask what right you have to introduce it here?

The *Attorney-General.*—I am reading the pastoral published in the *Nation*, and referred to by Mr. Brennan, the traverser.

Mr. *Macdonogh.*—That is no matter; you have no right to introduce it in a prosecution for conspiracy; you are not to read everything in a newspaper, and to throw into the jury-box a statement by the Archbishop. It is not fair, and it is not law.

Mr. Justice FITZGERALD.—Have you anything to say, Mr. Attorney, in reply to what Mr. Macdonogh has said.

The *Attorney-General.*—Yes, my lord; I beg to say that I was reading part of the pastoral of the Archbishop, to which Mr. Brennan referred, and I submit the course is perfectly legal and regular.

Mr. Justice FITZGERALD.—We think it fair to read any portion to which Mr. Brennan in his speech referred, for the purpose of giving force to Mr. Brennan's utterance.

The *Attorney-General.*—He does not specify any particular portion of it. He complains of what he calls "Dr. M'Cabe's manifesto," as just then published; he speaks of the whole of it.

Mr. Justice FITZGERALD.—If you will just read that part of the speech again.

The *Attorney-General.*—Yes; he says, "when these men were cast into prison, the predecessor of this high ecclesiastic came forward with another manifesto, and without a particle of evidence, charged these pure minded men with the darkest crimes; and now it is, when the air is again thick with rumours of arrests, Dr. M'Cabe comes forward with his manifesto, in which he almost charges us with being the instigators and abettors of assassination." Now, I shall just read the passage in the pastoral at which that was levelled.

Mr. Justice FITZGERALD.—We think the Attorney-General is justified in reading the passages referred to. We will trust to your discretion, Mr. Attorney.

The *Attorney-General.*—I shall not read one word beyond what is necessary, my lord. The pastoral was published on Sunday, the 18th October, and what the Archbishop says is this:—"Men who claim the high honour of being leaders of the people were not ashamed to proclaim that they would render the country unfit for Constitutional liberty by making it ungovernable by Constitutional means. Is this the policy by which our people are to be led to freedom and prosperity? Our unhappy country has within the past few months drank deeply of the blood of her own children. That blood must call for vengeance to Him who declared that even the beast of the field should account for man's blood spilt by it. That blood will not only cry out against the hands that made it flow but against us all, if we fail in abhorrence of the crime which sent a brother's soul without a moment's notice, without a moment's preparation, before the judgment seat of the terrible Judge. The enemies of all concession to our people have not been slow to turn these dark crimes into arguments against the cause of justice. But whilst men are right in expressing their horrors of these crimes, they should not participate in laying their guilt at the door of any individual, or of any cause. The tribunals of the country have pronounced no sentence. Self-constituted judges should be slow in condemning. But, is it not to be deeply deplored that the shortcomings of many who have presided at public

meetings recently held should give even the shadow of an argument to those who are only too willing to connect the tenant question with outrage and bloodshed. Unfortunately, at many of those meetings, when the character of an erring landlord was being drawn by a public speaker, cries that never, even in levity, should be heard from Christian lips have been uttered; and though, as we firmly believe, the managers of these meetings abhorred the crime of murder as much as we do, yet no indignant protest came from those who were answerable for the proceedings, against these wicked utterances. This was not the rule followed by the great man who liberated his country. Though a passionate lover of liberty, he declared again and again that liberty was not worth a drop of human blood if shed in crime. He taught his followers that the man who committed a crime gave strength to the enemies of his country, and if in his most excited meetings a word of violence was uttered, the thunders of his eloquence speedily silenced the offender. We all know the results of his wise policy."

Mr. *Macdonogh*.—I will respectfully say now that he was invited to narrow himself to what might have been properly referable by Mr. Brennan's speeches; that is not part of it; for, on the contrary, what Mr. Brennan states was that he almost accused them of it. The Archbishop says that the people were inclined to contribute it to them.

Mr. Justice FITZGERALD—We do not think the Attorney-General has exceeded his right in reading the passage.

The *Attorney-General*—It would, my lord, be impossible to understand Mr. Brennan's allusion, if I did not read the passages I have just read. You will thus see, gentlemen, that Mr. Brennan's views obviously agree as little with the views of politicians like Archbishop M'Cabe, as the views of Mr. Gordon agree with those of O'Connell. However, Mr. Brennan proceeds, at this Westport meeting of the 17th October, to say —"This movement is in many respects similar to the great Anti-Tithe War, which arose in Ireland some fifty years ago. In the year 1831 the amount of arrears for tithes alone was £104,000; of that sum the Government succeeded in collecting £12,000, at a cost of £15,000. It is recorded somewhere during that period that a regiment of soldiers was sent to escort three cows to the pound. This is the state of affairs that we want to bring about with regard to the collection of rack-rents in Ireland. The combination that destroyed one unjust tax will destroy another. But in first doing this work you must never forget that there is a higher cause than even the land for the people"—he should rather say the land for the five hundred thousand tenant farmers that are assumed for this immediate occasion to represent the people—"that we have a nationality, and that we should never fail to ask for the restoration of that great nationality. Seven centuries of oppression have failed to crush the national spirit, and it is not now when the horizon is bright with hope that we ought to give up the struggle for independence. It is the duty of every man now to work to make Ireland a nation;" he does not want the Home Rule of Mr. Butt, you will see, or the Repeal of the Union, or any constitutional arrangement of that kind; "and when I say Ireland a nation, I mean no mockery of freedom; I mean Ireland mistress of her own destinies. Ireland with a national army to guard her shores—Ireland with a national Senate—and Ireland with a national Government that will know no higher authority than the sovereign will of the Irish people."

Further, gentlemen, Mr. Nally, on the same day, at the same meeting, says—"I did not intend to say a single word here to-day. I came here specially to see to organize the people, to put them in military order," I suppose for the purpose of constitutional discussion, "that is by the people going in military order it will have more effect on this hated and

detested Constitution that we are under at present—we will keep a firm grip"; quoting the watchword given out by Mr. Parnell the year before. "I tell you to unite and organize, for without unity of action and organisation we cannot get total separation from these blasted scoundrels." Emphatic language Mr. Nally uses, and if it was used only once or twice it might, perhaps, be difficult to make others responsible for it; but when we find that for six months and more, this man has been used for organizing for the Land League and carrying out their designs, common sense as well as common justice requires that we should make those who so use him responsible for his systematic teaching. After all, the difference is, that Mr. Nally speaks with more vigour and plainness than any of the rest. Sedition and treason is at the bottom of it all, and he is simply more outspoken. "I want you to come and buy some of the pills I sell, and use them too, that will do more good than speechifying." There was more good, as he said before, done in one week by the shooting of a landlord than in all the rest of the year. Yes, fraud is very well, but force is better, and fraud and force combined are, no doubt, best of all. This is the new mode of carrying on constitutional agitation—holding out the plundering of landowners as the immediate object, and suggesting murder as the means. Mr. Dillon on the same day at Hollyford, in Tipperary, tells his audience—"To-day, fifteen meetings, each larger than this, are assembling in twelve Irish counties, and 100,000 Irishmen are to-day assembled on the plains of Ireland to declare that landlordism must go down in Ireland if you are a united and determined people. This is a cause which every Irishman can go into, because its object is to break down and defeat the English garrison which holds this country for England." Well, there are some Irishmen who have invested the results of life-long labour in purchasing land in Ireland. Of course they are nothing better than other landowners, and just as if they had bought or stolen a horse, they must lose their property with the rest. Nor does the fact that the land has honestly passed from hand to hand for two centuries, or for seven centuries, for the matter of that, make the least difference; "its object is to clear the path for Irish nationality, by emancipating all the people of Ireland from the control of English landlordism, and settling them in their homes as freemen." Now one more specimen and I have done with this part of the case. I omitted to say that Mr. Brennan, on the 27th June, at a Land League meeting at Ballinlough, says this—"I do not advise you to offer any open resistance to the law, simply because I believe you would not be able to defeat it," of course, not because it is wrong. "I believe there is nothing wrong in your guarding your lives and property—and if I don't advise open resistance to acts of tyranny it is not because I see very much wrong in it, but because I know it is not advisable." And the final appeal to the people is, "swear before high heaven that the land that was created for your use you are determined to fight for."

The Court then adjourned for lunch.

On resuming, the *Attorney-General* continued—Gentlemen, I have just called your attention to the nature of this agitation which has been carried on for several months, as exhibited by the speeches of the traversers themselves, and I did so for the purpose of showing that this prosecution cannot interfere, and is not intended to interfere in any way with the freest possible political discussion. No matter how visionary or even revolutionary the views of the traversers might be, if they had only been discussing the settlement of the land question, without involving the commission of crime, or inciting to crime, the traversers would have been left free to discuss it as largely and as widely as they pleased. Therefore, gentlemen, I take leave to say

that you ought not to listen to anything addressed to you on that score. They have told us themselves that the time for argument is gone. What they mean to achieve is not to be done, they say, by public meetings, by making speeches, or by crying "hear, hear"; but it is to be done by a strict local organization and determined action. By these means the law is to be set at naught, and the rights of one class of the community, and that not an inconsiderable class, are to be annihilated. Well, of necessity, considering the nature of this agitation and its immediate object—considering that it was starting upon a career of aggression and depredation, for it was little else, they could not avoid a crusade against the class who unfortunately are, at present, the owners of the land in Ireland. There are only ten thousand of them now; but the members of the Land League look forward to the time when the land will be transferred from the present ten thousand owners to five hundred thousand, and then, probably, a new agitation will arise for a further transfer; for why ten thousand people should be sacrificed more than five hundred thousand, I don't at present see. If a division of the land must take place, I don't see why the people—every man, woman, and child in the country, who chooses to labour—should be deprived of a share. I don't see why the division of property should be confined to those who just now happen to be farmers; or why, for instance, the five hundred thousand labourers who ought to have an equal share should not join in a general scramble.

To show you however the illegal means by which the end of this movement was sought to be attained, I may state that, in order to give it vitality and effect, it was necessary to create ill-feeling and break up the kindly relations that hitherto existed in many instances between the landowners of Ireland and their tenants, and accordingly a crusade has been preached against landlords, abusing them upon every occasion as if they were the vilest people upon earth. Well, I have no doubt that there are bad landlords among the ten thousand of that class, as there are bad people among any ten thousand of every other class. But I don't yet know that the ownership of land involves any special iniquity. Indeed, if it does, the traversers are in this curious position, that instead of reducing the number of malefactors they want to increase it, by transfering this malignant thing called private property in land from the ten thousand that are now infected by it, to five hundred thousand of others who are as yet free from any taint of land ownership. But, gentlemen, I want now to call your attention for a moment to the mode in which throughout these meetings the traversers and their friends have sedulously and persistently inculcated strife and contention, and have striven to create illwill and animosity between landlords and their tenants, and, indeed, not only between landlords and their tenants, but against the landlords, amongst all other classes in the community. I have shown tolerably conclusively out of the lips of the traversers themselves, how, from month to month, speaking in different parts of Ireland either on the same day, or, at all events, practically about the same time, they have preached the same doctrine and inculcated the same precepts. They started the movement by stating that its object was not to be a Parliamentary one, that the object of their going to Parliament was not to effect legislation, but rather to paralyse the hands of the Government; and they tell you further that their object is not discussion, for that the time for discussion is past. Their object they say is action. Action, I take leave to tell you, of an illegal character. According to their doctrine it would be difficult, if not impossible, to find any good landowner. Yet I still hope we should be able to find a number of good landlords in this country—men who are willing to deal fairly and in a kindly spirit with their tenants. But, gentlemen, when this agitation was commenced there was nothing, it appears,

like a good landlord in Ireland. It was, no doubt, necessary to break up the good relations that existed between landlord and tenant, and therefore we find that one of the principles impressed upon the people at each meeting held throughout Ireland has been animosity and ill-will towards the landlords. I find, beginning at the head of the list, in the month of May, four or five speeches then delivered in different parts of the country to excite these mischievous sentiments. We have not, indeed, at that early stage the Parliamentary Members on the scene. They were then engaged in paralysing, I suppose, as they say themselves, the action of the Government. At Glennamaddy, however, on the 16th May, Nally described the object of the combination. He was proposing a resolution and said—"I wish to propose the resolution, and all united together determined as it were to get rid of the agent, the bailiff, and the accursed and damned landlords (oh, and laughter). Do you organize in one mass. Come together after this meeting, let ye come and show that we intend to banish every blasted landlord out of the country." There is the object, as stated by Mr. Nally. Again he says—"I will work tooth and nail until I see those scoundrels called landlords banished in oblivion." So, too, Harris, at Knockcroghery, on the same day, cries —"I tell you that we have a long distance yet to go before we bring our enemies to our feet—we are all united in one grand brotherhood now, and we say to you," meaning the landlords of Ireland, "go away, we will have you no longer. We will not contribute to our own slavery by paying you rent." Mr. Brennan addressing a meeting at Cardenstown, on the 23rd of May, says, "Landlords cannot restore the two millions of your people whom they murdered in 1847, and this is the institution and these are the men that some land reformers told us that we should make a fixity in the country." They began, it would seem, to be afraid about this time of anything like fixity of tenure and fair rents, because that might settle the question. "France (Mr. Brennan continued), when she was getting shut of her landlords did not give them twenty years' compensation. No; she gave them twenty feet of a rope." Very suggestive language that, I venture to think, addressed to an excited crowd. On the following Sunday, the 30th May, Mr. Boyton, addressing a meeting at Dunmanway, in the county of Cork, said—"We have at our back in this movement something more than great agitators ever had before. We have a great moral force, and we are going to use it; and, perhaps, we have something in the shape of physical force, but we don't want to use that, but we may some day come down and see you, and talk to you about something else." Mr. Sheridan, speaking at Mount Irvine, on the 6th June, makes this comparison, "Now, if a highway robber comes up to rob you, and calls upon you to deliver up your money, you will certainly not surrender your purse if you can hold it. You may surrender your purse, because it is of less value than your life; but is not the power and tyranny of the landlord worse?" Mr. Sheridan, you will observe, has imbibed a little of the Communistic doctrine of which Mr. Brennan is so full—"that all property is robbery." That was the doctrine of the famous French Communistic philosopher Prudhomme, though people had some doubt as to whether he believed it or not. However, he was put in prison for inculcating the doctrine that property is robbery. Whilst in prison he got married, and thereupon a difficulty arose about his wife's fortune which he insisted on getting hold of. The lady's man of business said, "but, M. Prudhomme, you know according to you all property is robbery." Oh, was the reply, my dear friend, be serious for once in your life, and hand me the money. The philosopher at once changed his system when it came to be applied to himself. Thus, property, you see, is robbery only when it is in the hands of the present owners; it is not robbery at all

when it gets into the hands of other people; especially if the transfer prepares the way for some grand ulterior object. Mr. Gordon, the shoemaker, speaking at Ballyglass, on the 13th June, tells the people that it is the landlords that make them paupers. "The people said it is Providence, but I say no." Mr. Harris, speaking the same day, at Ballyleague, called on the people "to come forward, and meet the landlords in this war," describing the agitation as a battle with landlordism. At Monasterevan, on the 20th June, Mr. Boyton, who was standing, I suppose, in sight of the Marquis of Drogheda's demesne, says—"Mark me, there is not to-day a grand old park in all Ireland surrounded with walls and stately trees, there is not one of them that the man that claims to own could produce a title deed that is not stained with blood and robbery." Then there was the responsive cry "Not one." Now, a good deal of property has changed hands within the last hundred years, and you would naturally suppose that the open transfer for full value gave those who so acquired it a good title, an unobjectionable title, such a title as would enable a man thus to provide for his children; but, according to the doctrine of Mr. Boyton, it was all tainted with corruption, and the minds of the simple, ignorant people are poisoned with this false teaching, that every title deed is stained with blood. Mr. Gordon, speaking at Shrule, on the same 20th June, says, "I understand, my friends, that there is a party here who has got up a system of reporting to the Government that the peaceable people of Shrule and its surroundings were determined to cut one another's throats. But I say we have no intention of cutting the throats of our friends; but I don't care if half the throats of our enemies were cut before the morning." The enemies, of course, were always the landlords. "The landlord," he goes on to say, "takes all the money which the tenant hands over to him or his agent. He spends it in houses of ill fame in London, His class is a disgrace to the land of his birth. Offer him what is fair for the land; but I tell you when you give him more than he is entitled to, you are a robber to yourself." On the 18th July, at Dooleague, Walsh denounced the landlords as the "curse of the country," alleging that he had never met a good one; and on the following Sunday Mr. Brennan, speaking at Miltown, said, "An onslaught has been made on the system which degrades labour in Ireland," an announcement which was at once received with groans and cries of "Down with them," "To hell with them," "Card them." As I told you yesterday, our people don't care much about abstractions; and when the Land League orator inculcates this doctrine that landlordism is accursed, groans are heard and cries of "to hell with them" are raised—are raised against the persons who own the land of the neighbourhood. Mr. Gordon, speaking at the same meeting, said, "We meet here to-day to denounce the landlords who have plundered you of your land. They say the land belongs to them. I deny that." In other words the present owners of land have no title at all. He denies that they are the owners of the land. "I don't want you (he proceeds) to give a blow of a stone to the landlords, but you may do it if you like." It would, indeed, be a very natural consequence of his teaching. O'Sullivan, at Millstreet, on the 1st August, says, "If we should sweep them all off the face of the earth we would only be giving them their due." Walsh, speaking at Frenchpark, in Galway, on the same day, tells the people, "There is no man who holds land in this country but deserves to be called a land robber or land thief;" and he added, "It is for you to show a bold front to the enemy." O'Sullivan, at Knocknagree, on the 15th August, says, "The French peasantry offered their feudal landlords a fair compensation for the land, they did not accept it; and the peasantry of France gave them the compensation they so richly deserved, a rope's length at every road crossing." At Clonakilty, on the

29th August, Mr. O'Sullivan declared it was only by strict combination and refusing to pay rents that they could bring landlordism, "that unholy power, to its knees." Mr. Gordon, speaking on the 5th September, at Cahirlistrane, said "I would say, with the fellow who had his white trousers destroyed by a mad dog, I will neither beat you, nor abuse you, but I will cry, mad dog until the people hunt you down and kill you." Moral pressure, that, only! Of course the effect of all this is to excite the unfortunate peasantry against even those landowners with whom they had been on good terms before. Mr. O'Sullivan says, we have no right to form an opinion whether the hanging of landlords by the French was right or wrong. The French, he says, are the best judges of their own business, and so are the Irish too. That leaves it an open question whether the French example, as he states it, should be followed or not. Mr. Harris, too, speaking at Riverville, in the county of Galway, on the 19th September, advised the people "to assemble together and do as they do in Bengal, drive this worst of tigers—landlordism—from our midst." The landlord, you see, gentlemen, according to this amicable missionary, is to be treated as a noxious wild animal, who is only to be hunted down and killed. Well, gentlemen, so far for these minor lights. But as soon as the Session was over the Parliamentary Members came back to Ireland, and then we get the opinions of the Founder and President of the present League. A resolution had been proposed at the land meeting held in Kilkenny, on the 2nd October, in favour of what most people thought, and a great many still think, would be a great blessing to the tenant farmers, namely, of giving them a perfectly secure tenure, and some unbiassed and competent tribunal to settle their rents, and a right to sell their interests as they pleased. A resolution was accordingly proposed at this meeting in favour of what was popularly known as the three F's. Mr. Parnell got up and spoke to the resolution, but said he could not quite agree with it. There was a time, I believe, when he would, but now he would have none of it. He said the proprietory right of the landlord was a right which he had obtained "by force, fraud, and conquest," and having a title thus founded in crime, Mr. Parnell was not in a position to admit that it should be perpetuated in any shape. No; "it is not possible," he tells the people, "to devise a system of partnership between the landlord and the tenant; one or other must go." And then he asks, "which shall it be?" a question which was answered by prolonged cheers. Mr. Parnell adds:—"I submit to every reasonable man that it is far easier to remove the few than the many." He is always careful in his choice of words, he speaks with all apparent moderation; and in place of using language that some of the less skilled confederates would have used, he says—"It is easier to remove the few than the many." The precise mode of removal he leaves to the selection of the country members of the League—each branch deciding according to the taste of the district. But now we must come back to one of the less skilled operators, namely, Mr. Gordon, who at Abbeyknockmoy, on the 3rd October, addressed a large Land League meeting. You will, perhaps, remember that another fearful murder had been committed towards the end of the preceeding month. No one can fail to remember the murder of Lord Mountmorres on the 26th September. That terrible crime was felt by nearly every one, high and low, to be a disgrace to the country. He was not a great landowner, his tenants were very few indeed, and, as far as I can learn of him, he was anything but severe or strict in dealing with them. It is admitted in short, at all events, that he was not a bad landlord. The Land League, I believe, disclaim any connexion with the outrage.

Mr. *Macdonogh.*—Then why state it?

The *Attorney-General.*—Wait a little. My learned friend, gentlemen,

is so easily fluttered that he can not wait to hear why I mention this. The reason is, as you will see immediately, because Gordon, speaking at Abbeyknockmoy, said "well, when I arrived at Clonbur I had the pleasure of hearing that some great landlord was murdered or had shot himself." Abbeyknockmoy is about three miles from the place where the murder occurred, and Mr. Gordon passed through Clonbur on his way to the meeting. Poor Lord Mountmorres, whose rents, I suppose, did not amount to £200 a year, is thus gloried over as a great landlord that had either been murdered or shot himself. That was the extent of the interest this missionary of the new gospel took in this dreadful murder—so far from saying a word against it, he boasts of the joy with which he heard of this deed of blood. So, too, Mr. Dillon, speaking on the same day at Cork of the threatened attempt of the landlords to protect themselves, used this language—"I wish to tell the landlords that while we prevent every act of outrage upon their class that if they undertake, as indicated in their speeches, to repeat the deeds of past years, I think I may say that we have at our disposal the means which will make them bitterly repent the day." The people were amply provided, as he told them, with those instruments which at one time, he said were in the possession only of the upper classes. At a meeting in Athy on the 10th October, in the presence of Boyton the organizer of the League, Mr. Lalor, a member of the League, but not one of the present traversers, spoke thus—"We do not believe it is at all necessary to shoot a landlord, and we do not encourage it, on the contrary, we deprecate it; but, as I said before, we are not bound to go watching every poor fellow in the country that is driven to desperation. We are not going to watch and preach sermons to them. Let the men that drive the men to desperation, let them take care of themselves. I must protest against the Archbishop saddling us with the responsibility of every assassination that takes place in the country. He has no more right to do it no more than any one else has a right to do it. They speak of this country because one poor fellow of the name of Mountmorres was shot the other day (groans). Well, I would not like to be the man that shot Lord Mountmorres at all. What we have, and what the Land League has to try is to show you another road besides shooting these men because they are not worth shooting." When doctrine such as this is preached; when the elements of disorder are thus deliberately let loose, anarchy is more or less the result, and every villain who has a private grudge or appetite for revenge, will seize the opportunity of gratifying his guilty passion. What the League had to do was to show, according to Mr. Lalor, a substitute for the shooting of landlords, not because murder was a crime against the laws of God and man, but because landlords were not worth the trouble of shooting. Then he goes on—"In France, up to a few years ago, until the year 1793, they had the landlords there. Well, I suppose, a great many of you heard of the French Revolution. The French people were a sensitive people, and they took a method of getting rid of their landlords, that unfortunately we cannot take. No, my friends, we are not able, at present, to take that method. I wish we were (cheers). I wish we were, and it is not here I would be to-day (cheers).' What he means by that is not very clear. Perhaps it was that he would like to be at the work of extermination himself; at least if he does not mean that I do not know what he does mean. Well, Mr. Boyton took up the same theme, and, speaking in denunciation of the landlords of the neighbourhood, he says he agrees with Mr. Lalor, and marks approval of his speech, by saying—"I think we should have a healthy sentiment in Kildare, where we have the Leinsters, the Burrowes, the Latouches, the Verschoyles, and all the other land thieves of Ireland"

(cheers). Admiring this healthy sentiment, Mr. Boyton, the chief organiser of the Land League, says he would desire to create a healthy sentiment—that is a craving for murderous extermination—all through Ireland, and especially in Kildare, where the Leinsters, and Burrowes, and Latouches, and Verschoyles should be the first victims, and be disposed of as the French seigneurs were in the French Revolution. Mr. Dillon, at Templemore, on the same day, took up again the theme that he had begun at a previous meeting, and says—"That, if the landlords of Ireland take the law into their own hands, and declare war on the people of Ireland,"—there is not much chance of that—"I believe the Irish people will know how to defend themselves—the Irish people have got into their possession many of those tools that the landlords considered were their exclusive right to possess; and, furthermore, I tell the Irish landlords that it is the right of every Irish tenant to have the same arms that Irish landlords have."

What does that mean but to preach an internecine war—a mercilous and murderous war between the Irish tenants and the landowners of Ireland. Again, Gordon speaking at a meeting in Cleraun, in the county Galway, says—The reason he has for being a Mayo man—I suppose he means the reason why he is proud of being a Mayo man—is that "they were the first to proclaim to the Government that this land was ours, and that we are determined to sacrifice every drop of our blood until we sweep away every vestige of landlordism from this county at least." On the same day, at the same place, Mr. Nally is heard again. He calls upon the manhood of Ireland to keep a firm grip—the original precept on which the new gospel turns is—"Keep a firm grip against those blasted and detested landlords." Then passing on to a meeting on the same day at the southern end of Ireland, I find that at Castleisland, in the county of Kerry, Mr. Biggar, who had not hitherto been heard preaching these doctrines, takes up his parable, and says:—"The Land League are unfairly charged with the shooting of landlords. It is no part of the duty of the Land League to recommend the shooting of landlords, for a great variety of reasons." One would think that one good reason would be as good as twenty—simply that murder was the greatest of all crimes. He proceeds—"It is no part of the duty of the Land League to recommend the shooting of landlords, for a great variety of reasons. They never have given any advice of the sort." That is—they actually never recommended any landlords to be shot. He then proceeds significantly to call attention to particular persons, saying—"Mr. Hussey may be a very bad man, and plenty of other men are as bad as Mr. Hussey; but I can tell you what the Land League can do. If anyone is charged with shooting or offering violence to the landlord or his agent, it is the duty of the Land League to see that the person who is charged with the offence shall get a fair trial." That is, though the Land League does not consider itself bound, as a matter of duty, to advise the murder of landlords, still they do consider it their bounden duty to aid and assist in every possible way anyone who is charged with having done so. The mere fact, you see, that a man is supposed to have shot a landowner, is deemed by these conspirators sufficient to entitle him to their protection and support. But Mr. Biggar goes on to discuss the question philosophically. "What is the good," he adds, "of a man shooting a landlord? First of all, the Government offers an enormous reward; for a large sum of money some one may commit perjury against one for whom a grudge may be felt, or against whom there is no cause of suspicion, but of the very vaguest kind, may take place. Then the police take care that, if they hear anything of a suspicious nature, they bring him before the magistrates, and take care, if any-

thing is in favour of the prisoner at the bar that it shall be suppressed, and use every means in their power for a conviction. Then, again the magistrates who hear the case are all partizans against the prisoner at the bar, and in favour of their own class. Then, again, if any case whatever is made against the prisoner, and he is sent forward for trial at the Assizes, the Government take care to pack the jury—they bring down the ablest counsel at the bar, who try, if possible, to twist any little"—bit of evidence, I suppose—"at their command for the means of bringing about a conviction." Mr. Biggar knew as well as you do, gentlemen, that what he was saying was false, and that nothing of the kind he asserted occurs, but he just said what suited his guilty purpose, and wound up thus.—"Well, you the members of the local Land League, can use your exertions to get everything in favour of the person who is charged with such a crime as shooting a landlord." Now, taking these passages all together, I venture, gentlemen, to submit to you that Mr. Biggar deliberately went as near as he thought was possible, consistent with his own safety, to recommending the shooting of landlords. Well, Mr. Sexton at a meeting, at Cunghill, on the 17th October, pithily put the case thus.—"Either the landlords or the tenants have to go, and the tenants shall not go." On the same day, speaking at Holyford, in the county Tipperary, Mr. Dillon, said—"I am glad to see that you have come here to-day—the men of central Tipperary—to declare that you also are for the cause which we have been preaching all throughout Ireland—and which is the cause graven on that banner—that is to say, that the Irish land belongs to the Irish people—that it has been taken from them by fraud and force—and that the men of Ireland are to-day, determined to take back the land of their fathers. You are here to-day to pledge yourselves that you will enter into that struggle and not cease from it, until you win the victory." So also on the same day in another part of Ireland—in the west, at Kiltoom, Mr. Harris, leaving his building or slating at Ballinasloe, appears and says—"At present, agitators"—he does not scruple to describe himself and the rest of these missionaries as so many agitators, and rightly so—"at present agitators confine themselves simply to denouncing landlords, landlordism, and landlord tyranny; but in the beginning of this great movement, in its early stages—and I was one of the first to come forward on the tenant-right platform—for three years in Ballinasloe we were advocating tenant-right before the Tenant League was formed." Yes, gentlemen, they agitated for the three "F's" at first, and when they found an advance being made towards them, then immediately some of them began to look for something wholly different. He proceeds to say—"Therefore, now when you hear agitators denounced—when we found reason and argument of no avail, and found it necessary to appeal to the passions of the people—and to tell them that they were rack-rented by their landlords,"—as if the people could not discover that for themselves—"how they were exterminated"—they did not know that before—"tell all that would rouse up the passions and manhood of the country. When we found reason would not avail, we turned to the manhood of the country, and to the manhood of the country we appeal to-day." He then passes on to refer to particular persons by name, and after a general statement that the landlords were the curse and the bane of Ireland, to which a ready response is naturally given by the people, he proceeds to say—"And when you hear so much about agragrian crime, you should remember that for the one crime committed by a tenant, in striking down such a tyrant as Domville, there are a thousand crimes committed by landlords in their oppression of the poor." He goes on to denounce certain men, but fortunately as yet without any bad results. He

says:—"The worst man of all is Sebastian Nolan,—the worst man—the worst agent—the greatest scoundrel in the west of Ireland." Fortunately, but no thanks to Harris, Mr. Sebastian Nolan still lives. He says:—"Sebastian Nolan was fired at" (he gloats over it) —"Sebastian Nolan was fired at in the county Galway"—(a voice "it was time"). I am afraid that Mr. Sebastian Nolan is not in a very happy or even safe position with this sort of agitation raging round him —and Harris taking care to direct its violence against him as the worst man in the West of Ireland. He then goes on to deal with others. A general denunciation of landlords was bad enough, but to concentrate the excited feelings and hatred of the assembled thousands on one or two devoted heads, was still more malignant and deadly. He speaks then of a man called Hudson, and denounces another called Sheil, as follows:—"In this meeting I denounce him as one of the lowest, basest men that ever did the dirty work of a tyrant." I hope that man still lives. Considering the language Mr. Harris permits himself to indulge in, producing thus an unnatural and factitious hatred of individuals, it is no wonder that he falls foul of Archbishop M'Cabe. Accordingly we find him saying:—"Notwithstanding the denunciation of Dr. M'Cabe in Dublin (who seems, no doubt, a small person to Mr. Harris), if every priest and bishop in Ireland denounced the movement we have organized—we have justice, we have right—we have the progress of our country—the grievances of our nation—we have everything that justice and right and honour demand, upon our side"—he might, I think, except the old-fashioned sense of justice, the honest desire of meeting one's engagements, or at least making an effort to meet them; and above all, reverence for the command, "Thou shalt do no murder." He goes on to say:—"If the Government were to go and re-enact the scenes of '98, our countrymen in England would not stand by and allow them to do so. Our countrymen in England would lay their cities in ashes if they attempted it." I hope, gentlemen, there is little danger of any such calamity as civil war or insurrection, but if there were the remotest danger, it would be due not to the Government, but to people like Harris and his comrades, who preach these false and mischievous doctrines throughout the country. He says:—"I ask you to form branch Land Leagues in the different localities. Individually you are nothing—collectively you are everything." That, you will remember, is the teaching of the emblem upon the Land League card, and the motto:—"Unite—union is strength." "If all the men on his estate and the adjoining estates joined together, these men you fear so much are the greatest cowards on the face of the earth." Accordingly he then proposes a resolution that branches be formed in different localities for the purpose of carrying out these moral and innocent objects of the Land League. That was on the 17th October. On the 21st October, Mr. Biggar made an excursion into the county he represents, and at Bailieborough he spoke thus:—"Now, our worthy Chairman in his speech said that it was undesirable that anything in the way of violence towards the landlords should be perpetrated. Now, on that subject I will say this—that the Land League, as a body, wants to do what is most beneficial, and they do not want any violence should be offered to the landlords. One of the reasons is this—that persons who have undertaken to shoot landlords have missed the landlord, and shot someone whom they did not intend." It was not that murder was wrong. I presume, in Mr. Biggar's code of morality and religion, if he has any, abhorrence of murder has no place. It is not a question with him whether it is right or wrong. He says the first objection to trying to shoot a landlord is, that you may shoot the wrong person. "That was an objection on the face of it," he said, "but there are other

objections which have been raised against this agitation, as a body, is, that deeds of violence have been committed on the part of the people who come to Land League meetings, and the result of that has been that it has calculated to injure the cause of the tenant farmers in public opinion with those likely to have the decision of the Irish land tenure, and you should discourage deeds of violence then. There is another objection that will undoubtedly be palpable to you all—and that is—that it would bring discredit on the Irish people." That is a great discovery. He then says—"Because I have not the slightest doubt that certain members of the ——— here would be delighted with me saying, 'Shoot the landlords' (no, no). I say in the interest of the tenant farmers of Ireland—I hope that it is undesirable, that such deeds should be practised. I say it is the duty of public men to put the saddle on the right horse, and the great criminals are the landlords of Ireland." Those were the reasons—that if they attempted to shoot a landlord, they might shoot somebody else, and because that the commission of atrocious crime would disgrace the country; but for fear his speech should be considered as a pointless and vapid performance, he winds up by telling the people that the real criminals are the landowners of Ireland. Mr. Dillon, at Clonmel, three days afterwards, viz., on the 24th October, said he would "show the landlords and Government in spite of their teeth that the farmers would retain the lands of Tipperary"—"and will hold the lands of Tipperary, and when we have told them that lesson for years to come, you will find that the landlords of Tipperary will go, not to the Castle to ask for coercion, but to Westminster, and say—'for God's sake, settle the land question'; give them something; abolish landlordism, and let them be rid of their tenants." At a meeting in Galway on the same day, in presence of Mr. Parnell and of Mr. Harris, we find another member of Parliament, who represents that ancient city, Mr. O'Connor, using this language:—"Have not the landlords of the county of Galway inflicted duty labour upon you, and are not they ever inflicting lashes on the Irish tenants, as sore as were ever inflicted by the South Carolina planter upon the slaves under his control? Is it not true that in this very county, during the famine years, landlords have murdered the tenants of the county of Galway." There was horrible exaggeration in this language, but what was the object of the exaggeration? For what purpose do these practised speakers go round the country using this extravagant, and, grossly untrue language, but to exasperate and excite the passions of the people, as Harris tells you.—Having wound up the deluded people to the highest pitch of fury, they say go on—we put the match within an eighth of an inch of the gunpowder, but we don't tell it to go off—that is its look-out. Nay, on the same occasion, Harris boldly cries "Is not it better that one man should be shot down than hundreds of the people. It amounted, I believe, to twelve hundred families—that hundreds of these families should be driven from this fair island?" This is language spoken at a public meeting in the town of Galway in presence of the President of the Irish Land League, and the most prominent figure in this conspiracy. "I say to myself, and I say it here to-day, that if the tenant farmers of Ireland shoot down landlords as partridges are shot in the month of September, that Mat Harris never would say one word against them." That was said in presence of Mr. Parnell. Did Mr. Parnell instantly raise his voice against these murderous suggestions? No; Mr. Parnell was silent. The chairman of the meeting felt there was a limit to indecency, that morality even as understood by savages required his interposition; and he protested against this horrible language. Then Mr. Harris made a sort of explanation which left the matter not much better. It would appear, however, as

if he had been, soon afterwards, admonished that he was doing more harm than good by this excessive frankness, and accordingly he took the opportunity of a meeting held in the following week at Loughglynn to shuffle out of what he had said in Galway. Well, gentlemen, the next expression of opinion against landowners, is from Mr. Biggar, on the 30th of October, at Bawnboy—"Landlords," he says, "who of course we know very well"—Mr. Biggar knows everything whether it is true or false—"got the land by fraud and violence."—Now, nobody knows anything of the kind—even supposing their ancestors got their estates by conquest some centuries ago, the present owners could not help being born, or owning land here to-day; and I am afraid most of the original Irish titles were founded on nothing better than what Mr. Biggar calls fraud and violence. And if we choose to read history aright, we see that it has been just the same in all other countries. But Mr. Biggar proceeds, "We know the present landlords, or their predecessors, have got the land by fraud or violence, and they have no just rights; but they have what is called a vested interest." That is a wonderful admission. The present owners, some of whom paid for the land hard cash in the Landed Estates Court, really have a vested interest. "That is," Mr. Biggar explains—"they and their predecessors have been in the habit of levying a tribute from the occupier in the shape of rent." Yes, just as Mr. Sheridan, who keeps cars for hire as well as a publichouse in Tubbercurry, is in the habit of levying a tribute when he hires out his car for a day's work. Well, on the same occasion, Mr. Biggar went on to say—"Now, I do not know I need say anything more, except to impress on you to organise (cries of 'We will'). Yes, organise as one man. Do not let one district say we will support a landlord against a people ('Down with them—down with them'). Let each man fight for his class—your class are the cultivators of the soil, you produce the wealth of the country, and you are the only class that require *bona fide* consideration." All of every other class are to have *mala fide* consideration. They are to be dealt with as wild beasts or as mad dogs. "The other men are drones; a curse to the community (cries of 'Down with them—down with them')."

Mr. Biggar again, at Kinlough, in Leitrim, on the 31st October, says:—"We don't recommend the shooting of landlords." Now, that no doubt is somewhat re-assuring. "We do not recommend the shooting of landlords. That is an extreme measure, and we certainly cannot recommend it; and besides it is held undesirable." It is considered, he says, undesirable, but he does not commit himself unreservedly to that opinion. "It is held undesirable for the interest of the cause that it should be done, for this reason—that when such a thing takes place it is blazoned forth in all the English newspapers, and prejudice is excited in the English mind against the Irish tenant farmers, which is calculated to interfere to a material extent with the advocacy of my friend Mr. Parnell and others on behalf of the tenant farmers." No unequivocal avowal from beginning to end of any of these speeches, of horror at the fearful crime of murder. Was not the Archbishop of Dublin justified in saying that although he did not charge these people with intending to incite to the commission of such outrages, yet he would have expected something better from them than a cool, dispassionate discussion on the undesirability or imprudence of murdering landlords. Listen again to Mr. Harris on the same day, the 31st October, at Loughglinn, where he says—"The people will be so united together—the organization will be so strong and universal—that the power these tyrants possess will drop from their cowardly and enfeebled hands, and the people will rise up emancipated, and wondering

how it was that, in the midnight of their slavery, they had lain down so long under the foulest oppression, and under the meanest oppressors that ever trampled upon a noble people." At the same time Mr. Walsh, at Kealkill, in the south west of Cork, was declaring, "I look upon the man who goes to evict a family, tumble down his cabin and set it in flames, as nothing short of a burglar; but he may be protected as the burglar is not who wears a mask; he carries a lantern and a crowbar, but the law of the land protects this man to come and evict a family. He need not wear a mask, he does it in the broad daylight; he takes care to bring a crowbar. I hold that a man that evicts a family, throws them out on the roadside, as nothing short of a burglar." To which the crowd replied, "He is a murderer," and no doubt to be dealt with as such. Finally, at Dungannon, on the 1st November, Mr. Biggar sums up his view of the question at issue, and of the character of the present owners of Irish land, thus:—"It is a question in which the occupiers of the soil, the men who made the wealth of the country are interested, against the most worthless class that lives upon God's earth." Well, this is not what the Archbishop of Dublin says, or what any other sane man thinks. There are good and bad amongst them, as amongst other people, but if the possession of land is so destructive of morality and kindliness, I fail to see the advantage of transferring it to a larger number of persons. I should, however, have told you that one of the worst examples of the defendants' oratory was to be found at the Kealkill meeting, to which I have just now referred. You will remember the murder that was committed there, and that what Mr. Biggar considers one of the chief objections to trying to shoot landlords occurred on that occasion, the wrong man was shot. This meeting was held a few days afterwards in the immediate neighbourhood, and yet we find no deprecation of murder, nor any expression of horror at the terrible crime that had just been committed. Now, gentlemen, having deliberately created this factitious animosity against the present landowners of Ireland, who are represented to the excited people as the curse of the country and the greatest criminals upon earth, a fitting foundation is laid by these confederates for their further work, namely, the fleecing of the present owners of Irish land. The people are reminded that they have now in their possession arms which formerly were, as they are told, confined to a class; and that the landlords are the greatest cowards on earth if they are only stoutly resisted. It was not very easy for any but men of the strongest nerve to proceed in the face of this state of things to enforce their just rights.

Now, as I told you yesterday, the object of this—the immediate object of this, apart from its ulterior and ultimate object, is to bring the landlords to their knees, to deprive them of their incomes, and in fact reduce them to such straits, that, as Mr. Dillon says, they may fly to England, "and sue there for protection and for justice."

Mr. Justice FITZGERALD.—Mr. Attorney, we desire to place ourselves in your hands as to the question of a suitable time to adjourn. What do you propose, because if you feel fatigued, we can now adjourn.

The *Attorney-General.*—I do not like to ask your lordships to adjourn, but this would be a convenient time for me to stop.

Mr. Justice FITZGERALD.—We can adjourn now or we can sit later. You have been speaking a long time, and it is now twenty minutes past three.

The *Attorney-General.*—I am entirely in the hands of the Court.

Mr. Justice FITZGERALD.—What we will do then, is, we will adjourn now, but we will resume our sitting at half-past ten o'clock to-morrow morning.

The Court then adjourned.

THIRD DAY—THURSDAY, DECEMBER 30, 1880.

Mr. Justice FITZGERALD and Mr. Justice BARRY entered the Court at half-past ten o'clock, A.M.

Mr. *Goodman*, Clerk of the Crown, stated that one of the jurors (Mr. Joseph Mitchell), was absent.

Mr. Joseph Mitchell entered the box at ten minutes to eleven o'clock, and said—One of my young men got sick, and I had to remain a little late.

Mr. Justice FITZGERALD.—That is no excuse whatever. You have kept the whole court—every one waiting on you, now for twenty minutes. I ought to have imposed a fine of £100. Do not let that occur again.

Mr. *Goodman* then called the names of the jury, and all answered.

The *Attorney-General.*—If your lordships please, gentlemen, when we adjourned yesterday afternoon, earlier than many of us perhaps expected, but I hope at no great inconvenience to you or my brethren of the bar, I had just drawn your attention to a number of extracts from the speeches of the several traversers, showing the way in which they desired the people whom they addressed, or whom their words might reach, to regard the present owners of Irish land. I think, gentlemen, as well as I remember, the number of those extracts was over fifty. They were specimens of the speeches which each of the traversers have delivered from time to time during the last six or eight months in various parts of Ireland. It may have struck you that there was much of wearisome iteration, not to use a stronger epithet in the form, or at all events, in the tone and subtance of those numerous addresses. Gentlemen, this was unavoidable. The traversers have for so many months pursued the same course, and have been so entirely of one mind—they so completely breathe the same spirit—they have so deeply imbibed the same principles, and so strenuously sought to inculcate them upon the people, that this rehearsal of their speeches is of necessity monotonous. The fifty odd extracts that I gave you yesterday are, as I say, but specimens—I might have given you 150 or more. And, as the speeches will be proved to you in evidence, you can add to the fifty any number of other specimens you like. The only difficulty has been to make a proper selection; and you will find, perhaps, that in many instances I have not chosen the strongest or most violent passages. You will have observed that the passages I have read, however they may be worded, however they may vary in style, according to the position and taste of the speaker, yet all in substance inculcate the same views. They all agree in denouncing in more or less forcible language the present owners of Irish land. They deny their titles, alleging them to be founded in fraud or in force, and blood. They blacken their characters in a way that I will not now repeat. You have heard the language in which the owners of land are described. They are branded as robbers, as thieves—ay, and as murderers; and being thus held up to the odium and execration of the Irish people, as those who by force or fraud have possessed themselves of the property of others—those others being the people in each instance that are thus addressed—the natural consequences are left to follow.

Now, gentlemen, it is obvious that the necessary or at least the natural consequence of this mode of address, pursued persistently for the last six or eight months, must be to produce feelings of animosity and hatred amongst the masses of the people of Ireland whom those teachings reach, against the present owners of Irish land. And this, gentlemen, you remember, is one of the charges in the information. Under the system of jurisprudence that has as yet obtained in any country that I know of, it is not considered an innocent thing to promote mutual hatred and ill-will amongst different classes of the community. It is a mischievous thing. It is a dangerous thing, and an association got up for the purpose of doing it is an illegal act and a criminal conspiracy. But, gentlemen, considering that these traversers have individually, as far as we can gather, no particular interest in even having the owners of Irish land "removed," to use Mr. Parnell's comprehensive expression, what can be the object of all this strange teaching? The object, gentlemen, is simply this: to create a general feeling of hatred and ill-will against this particular class, with the view to attaining the ulterior object of the traversers and their fellows. They say the object they have in view is to bring the owners of land upon their knees—bring them to their (the traversers') feet, to drive them—if they want justice and protection—to seek those rights in London, to force them, in fact, to go to Parliament and pray to have their lands taken off their hands. Accordingly, to facilitate that operation, to reduce the value of landed property, and to force the sale of land at an undervalue to any extent that may be deemed convenient, it is necessary, as Mr. Harris candidly tells us, to excite the passions of the people; because without some excitement of the people's passions it is not every man in the community—it is not every farmer—I am glad to think it is but very few farmers, who would listen to the sordid impulses of mere greediness, and because they would like to own the lands of others, would therefore resolve to seize them. It is not every tenant-farmer—nay, if let alone, I believe it is few, very few, who, having the means of paying the debt they contracted to pay, would wilfully withhold it. Yes, it is necessary for the purpose of effecting this immediate object of "stopping the supplies," as they express it "of the landlords," that they should not only practise on the poor man's temptings of greed and covetousness, but also to excite his evil passions against the landowner by stirring up within his heart feelings of "envy, hatred, malice, and all uncharitableness." These are the means by which the new gospel according to St. Davitt is to be spread throughout the country. A spirit of strife and contention is created against the landowners; and along with this we have the precept urgently impressed upon the people that in place of paying what they justly owe, and what they fairly can—they must only pay what they find convenient. I now ask your attention to what the traversers themselves have said when they came to preach throughout the country, during the present year, the doctrine that rents fairly and honestly contracted to be paid, and honestly due, should not be paid—even in a year of plenty; nay, should not be paid for the very reason that it was a year of plenty.

Gentlemen, like the speeches of which I gave you specimens yesterday, the proofs which I shall now give you of the traversers' combination to "stop the supplies," as they express it, or as the information states, to impoverish and injure the landowners by preventing the payment of rent, you will please bear in mind are all speeches made at Land League meetings. The Land League has been founded, according to this card, distributed in many thousands, as they tell us, throughout Ireland, to put an end to rack-

renting. Well, gentlemen, to put an end to rack-renting is a very proper undertaking, if by the word rack-renting you mean what the law does not mean by it, but what, I suppose, those people mean by it—the exaction of excessive and exorbitant rents. There is one way by which that can be legally done—by insisting that the people should not make fools of themselves by over-bidding each other, and offering more than the land is worth; and when they have land at an exorbitant rent, taking the means open to everyone of undoing the bargain by giving notice to quit and handing back to the landlord that which is his, if it is not worth the rent which he asks for it. To put an end to rack-renting in that way would be perfectly harmless, and even praiseworthy. But that is not the mode of putting an end to rack-renting that the traversers and others combined in this undertaking contemplated—that is not what they mean; and their acts and speeches show it. What they mean and have all along meant to insist on for putting a stop to rack-renting was this:—To say to the tenants, "Hold the rent; keep a firm grip too of the land which belongs, by law, to your landlord"—by that law which secures to every man the enjoyment of his property, whether it be land or anything else—"the land that is let to you in consideration of rent to be paid for it, keep it, but don't pay for it." That, gentlemen, is illegal, is dishonest, and would not be tolerated in any civilized country under the sun. Now, gentlemen, I told you yesterday, that a conspiracy may be secret if its object is to do wrong by stealth, but at the same time a conspiracy may be, and often is, open as the day, and indeed must be so when it seeks to effect its purpose by public acts and public meetings, by public addresses and newspaper articles; and you will recollect that the mode by which the traversers here have proposed to effect their purpose has been by promoting organization amongst the people in their different districts throughout the country—that is to say, by conspiring to get the people to form subordinate local conspiracies or branch land leagues, and by the persistent cultivation of public opinion, by addresses to the people in newspapers, and at public meetings. To talk, then, about there being no conspiracy, because the confederates proceed by way of public addresses and public writings of a mischievous character, is mere nonsense. Fortunately, too, about the characters of the speeches there can be no mistake. I see my learned friends beside me have equally extensive and, no doubt, equally correct copies of these speeches; and, in fact, I cannot imagine that there is anything else in those large green books which lie before them. Accordingly, as regards the speeches which the traversers glory in delivering, and the public opinion which they take credit for having created—I cannot anticipate any real controversy. It would, I think, be doing the traversers some injustice, to suppose that after having at countless public meetings taken credit for cultivating public opinion by their several speeches, they would now instruct anyone to say that they did not deliver them. From any point of view, I apprehend, such a course would not suit them, it would not in fact go down with the country. The public are too well acquainted with the substance at least of these gentlemen's oratory. We have all had such abundant opportunities of reading their speeches as published in the newspapers, that it would hardly do to say they did not make the speeches at all. You will recollect gentlemen, that my learned friend Mr. Ross told you there were two classes of precepts given by them with respect to the payment of rent. One, the more general precept, had reference to all rents. They were told in substance "do not pay the rent you agreed to pay, but pay the rent you find it convenient

to pay." That is to put it shortly. Sometimes, however, the people have been told—and this is the burden of the song in later days in those parts of the country where rents are above the tenement valuation—"Pay only the amount of Griffith's valuation." But the meaning of all is "Don't pay what you agreed to pay, and what you are by law liable to pay; and if the landlord does not choose to take your composition or whatever composition the local or branch league may determine on for you, and to give you a clear receipt, put the money back into your own pockets for you will want it yourselves." That, gentlemen, is putting shortly before you what they are in substance charged with. Now, the first specimen of this teaching that I shall give you is from a speech delivered towards the end of May. A meeting was held at Cardenstown, on the 23rd of that month, at which Mr. Boyton, one of the traversers, the gentleman to whom has been committed the duty of organizing the local conspiracies, attended as a deputation from the central body. Mr. Brennan, the secretary of the central league, attended also, and said this—"you must go"—(he was addressing the branch that he was founding at Cardenstown)—"you must go and strike against rent until the question is settled." Strong doctrine, I venture to think. "You must go and strike against rent until this question is settled; you must refuse to pay a rack-rent." Then Mr. Brennan instructs them thus—"Rent means the profit that remains after you have satisfied every other claim for the working of your holdings; after you have paid the merchant and the labourer; after you have paid yourselves for the support of your families." Men are not generally supposed to require any payment for the support of their wives and families. They are supposed to be bound by nature to support them without being paid for so doing—and that out of other people's money. "When you have provided for the comforts"—a very elastic expression—"of your children, then if anything remains give it to them." That is the definition, according to Mr. Brennan, of what conventional rent—a matter of contract between landlord and tenant—really is. He says, in effect, gentlemen of Cardenstown, if you find, after you have paid for the seed and the labour, after you have paid the shopkeeper and the merchant, after you have kept your wife and children in comfort; or whatever you consider comfort, including, I suppose, such publichouse refreshment as you like, "if anything remains after that give it to the landlord as rent; it is all he is entitled to, no matter what you agreed to pay." Mr. Brennan then proceeds—"If he refuses to take it keep it till he respectfully comes and asks for it. You must organize, and if you do you will not be disturbed." Yes, if the people are of sufficient stuff when they have been banded together in their several local Land Leagues, with all the advantages which they at present have, and which they are reminded from time to time that they have in the possession of these instruments of destruction which the traversers appear to consider necessary for every man to have, if they are thus efficiently organized they will probably not be disturbed. That, then, is specimen number one. We now pass to a meeting on the 6th June at Mount Irvine, at which Harris, one of the traversers, and also O'Sullivan, the Assistant Secretary, attended as a deputation from the central body. Mr. Harris there says—"You are aware of the policy that Mr. Parnell has already told you—that there is only one way, and this by the nonpayment of unjust rents, and in the year that is passed an unjust rent is any rent that the poor industrious man has to pay to the landlord, and all that to be spent by him in luxury and idleness. But you will not be able to refuse paying rents except you combine together; then you will be able

to make a strike against it." At Shrule on the 20th June a meeting was held at which these doctrines were inculcated under a somewhat significant banner. It was one having on it the picture of a man with a gun in his hand ready cocked, and underneath the words, "I'll cock my pistol, says the Shan van Vocht." That apparently has not much to do with farming, but the banner indicates a mode of forming and directing public opinion which has been frequently adopted in the country, and which suggests a question that is considered by the leaders of this movement to be an open one to be calmly discussed, namely, whether or not a landowner or agent may be usefully shot. Mr. Walsh, who attended as a representative from the central Land League, says—"Pay the shopkeeper and the people from whom you have got the things to support your family, and if you have anything left give it to the landlord; it is good enough for him." Well I am afraid the people with more logic than their teachers have understood that advice as simply an intimation that they should pay any creditor only what they liked. On the next Sunday, the 27th June, Mr. Brennan, the Hon. Secretary of the Land League, addressed a large meeting at a place called Ballinlough. It will be remembered that by the end of June, we saw the probability —which was happily realized afterwards—the immediate prospect of a good harvest, and Mr. Brennan, taking up his parable from this, says—"we have the prospect of a good harvest this year, and the landlord has his eye upon that harvest, and soon the question will come to be decided whether you or he will enjoy it." Then of course there were cries of "He will never get it." Mr. Brennan proceeds—"The question must soon be decided whether the tenants will quietly surrender the harvest in order that a few idlers"—here the Communism which is at the bottom of it all comes to the surface again, "may enjoy the usual quantity of champagne." That is the new doctrine; everyone who owns land in Ireland drinks champagne or something worse, "in order that they may be in a position to purchase prize dogs, and pay their gambling debts in the hells on the continent." All this of course is for the purpose of persuading the people to live in peace and kindliness with their neighbours. On the same day in the same place Mr. Brennan tells them again—"We advised you last year"—that was the year 1879, the year of scarcity—"not to pay exorbitant rents, not to pay rent that you were not able to afford; and we give you the same advice this year, and say that anyone who pays an unjust rent, whether he is able to afford it or not"—you see, gentlemen, it is not only whether he agreed to pay it or not, but also whether he has or has not the means of meeting his engagements—"he is an enemy of the common good." No matter what his bargain may have been, no matter what ample means he may have to pay his rent; if he pays his rent he is an enemy of the common good. That is certainly a wonderful perversion of all morality to be preached, on what Mr. Brennan, as I quoted yesterday, calls the sacred soil of Ireland.

Well, gentlemen, two days afterwards the assistant secretary of the Land League, Mr. O'Sullivan, attends a meeting at Ballinamore, in the county of Leitrim. It was on the 29th of June. He introduced the subject of rent by, of course, an allusion to the dreadful crime of owning land. "All the money," he says, "that you could make has been taken from you by that tax called landlordism. . . . You must not permit them"—even Mr. O'Sullivan passes rapidly (you see) from the abstract thing called landlordism to the individuals that represent that idea to the minds of his hearers. "You must not permit them"—that is, the owners of the land. "But you can only do that by organization. It is

not by begging." It is not by any petition to the creditor to accept a composition. No. "It is only by action, by resistance in every shape and form to the legal robbery which has been too long allowed to pass without interruption." Now, as I go along reading these extracts, it occurs to me—and it must, I think, occur to many a mind, to ask what species of property is safe, if teaching like this is to prevail in Ireland, or in any other country. "Yes," he says, "the manner in which a man would act is to guard his property from a thief." Certainly, a curious mode of observing the ordinary precepts we were used to—the proper way for them, the tenants of Ireland, is to guard their property as against a thief. Old-fashioned people might think this was telling the people to take by fraud or force, and keep in their pockets what legally, and by fair contract made by themselves, belongs to others. Again, gentlemen, Mr. O'Sullivan at the same meeting says:—"Don't pay any rent this year if you are not able." Well, of course, "not able" does not mean if it was impossible, because there was no need to give them that advice. "Don't pay any rent this year if you are not able. Don't let your children be reared up beggars. Don't attempt to give to the landlords what is necessary to keep yourselves and your children alive. Come to the conclusion what rent you can give him; offer it to him, and if he does not take it, come home and put it in your pockets." Well, that of course leaves every debtor—because one debt is not more sacred than another—to chose, according to this new gospel, how much if anything he will pay. Say to the creditor, "Take that and give me a receipt in full," and if he does not take it put it in your pocket. Such is this new gospel. Mr. O'Sullivan passes on in his course of instruction, to Ransboro', in the County of Sligo, and on the 4th of July he tells his hearers there—"You must form yourselves into branches of the Land League." Yes, that is the point—combination—conspiracy—each man steeling his fellows to make them of sufficiently stubborn stuff to resist the enforcement of legal obligations in every possible way. The next precept is peculiar, and I think if Mr. O'Sullivan has the ordinary share of humour he must have enjoyed the joke when he got home—"You must be honest at heart." You must be honest at heart! "Above all, you must put your homes," I think it is, "against evictions." Yes, keep a firm grip upon the land which belongs to others, and which is only lent to you at the yearly rent which you agreed to pay for it—keep that; form branches of the League. "You must organize on every estate. You must offer to your landlords a fair rent, and that is no rent this year." That was the year 1880. Now this is certainly very bold preaching, "No rent this year." This, gentlemen, was on the 4th July, when, as Mr. Brennan had told his hearers, "we had a prospect of a good harvest;" but Mr. O'Sullivan finding a congenial audience, as he imagined, I suppose, at Ransboro', told the people there—"offer your landlords a fair rent," and that, in this blessed year of a bountiful harvest, is no rent at all. Walsh, of Balla, another of the traversers, at a meeting at Frenchpark, in the Co. Galway, on the 1st August, pursues the same theme. He says—"I ask you to keep a firm grip of your homesteads." That is the first thing to be done. "I feel grateful to the people of my native county, Mayo; but I ask you, in the name of Ireland—in the name of struggling Ireland"—I fear, gentlemen, it will have a long struggle if this sort of teaching is to prevail—"in the name of struggling Ireland, to keep a firm grip on the harvest; don't allow the harvest to be taken from you as it has been for centuries. Don't allow the produce to go to London, and to Paris, to Baden-Baden, and to the

Rhine land, to be spent in gambling dens and other haunts of vice." I told you already that I only gave you a poor selection of the abuse that is constantly heaped upon landowners, and in which every other precept addressed to the tenant-farmers of Ireland is steeped. "I ask you to keep a firm grip of the harvest, and to pay the shop-keeper, to pay the merchant from whom you got goods to support your family, and send them to school, and if anything remains you may do what you like with it." He could not even bring himself to say give it to the landlords; that would be too much. "You may do what you like with it." Again, gentlemen, upon the 11th August, Mr. O'Sullivan says to the people of Killorglin, in Kerry —"Are the men of Kerry less patriotic than the men of Mayo? I asked the tenant farmers there to pay no rent to the landlords but a fair rent —their valuation"—whether he means by that to anticipate the modern cry of Griffith's valuation I do not know—"and if they do not accept that, to pay none at all." Well, I suppose, you will hardly disbelieve what Mr. O'Sullivan says about his own teaching. He says he told the people of Mayo to pay nothing but what they considered "a fair rent—their valuation," and if they did not accept that instalment in lieu of the whole, to pay nothing at all. "I am glad to-day," he says, "that I can look upon that social multitude, and know that they will carry it out." He can look back upon the effect of his teaching to the people of Mayo, and, describing them as a social multitude, which, I venture to suggest, meant a society of conspirators—an association formed for the purpose of resisting the law—he is happy they will carry out that teaching. "I came from Mayo to-day," he says, "to bear a message from Mayo to Kerry, and that message is not to pay any rent whatever until you get a settlement"—and if the settlement vanishes off into the impracticable, as we now find it, it amounts to very comfortable doctrine for the tenant farmers of Ireland. No matter whether the rent is fair or not—no matter whether it is low or high—the message I bring to you now from Mayo to Kerry—the doctrine I spread from north to south, and from east to west, throughout Ireland, wherever my voice will reach, is "to pay no rent until you get a settlement of the land question;" and, he might have added, the only settlement of the land question we will now listen to is, transfer the property of the present landowners in one fell swoop to the tenant-farmers of Ireland, a scheme which he, and his confederates know, to be totally impracticable. It is now no longer a scheme of gradual transfer, or of facilities for a gradual transfer. It is to be simply the impossible scheme of transferring the land from the ten thousand who now own it to those who but for the present are called the people—that is, the 500,000 tenant-farmers of the country. No doubt, when they get it, there will be another conspiracy to transfer it to the labourers or to the rest of the population, and indeed the labourers would seem to be quite as much entitled to it as the farmers—perhaps better entitled to it, according to Mr. Brennan, because he tells us the labourer upon the land is the only person entitled to own the land. However, there is no use in going into that cloudland. Having brought this message from Mayo to Kerry to pay no rent whatever, unless they got a settlement, a Kerry voice cries responsively—"If we do not pay rent, what will become of us?" That was a natural question for a Kerry tenant, who was not fully instructed in this new gospel, to ask; but Mr. O'Sullivan is equal to the occasion. He says—"You shall do it no more. You had no friends to look to you then; but now friends have come forward with money, and the Land League comes

forward with £10,000 for the purpose of supporting evicted families. If men come together, and come to the conclusion to pay no rents, why the Land League will support them and their families, and in that way we will ultimately gain." Persuasion, threats, bribery, to defeat the law, and prevent, by either persuasion, or threats, or worse, the tenant farmers of Ireland from fulfilling the engagements they have fairly made. Gentlemen, upon the 15th August I find that meetings were held in three Irish counties—in Cork, in Kildare, and in Galway, and thus we have upon the same day, Mr. O'Sullivan preaching at Knocknagree, in the County of Cork; Mr. Dillon, and Mr. Boyton preaching in Kildare; and Mr. Brennan at Tuam. Now I would ask you to compare the tones in which each of them discusses this question. Mr. O'Sullivan, at Knocknagree, tells the people substantially what he had told his hearers in Kerry—but in a different tone. He told the people of Kerry—"We will aid you—we have £10,000. Rely upon that. We will support you if you do what we bid you." He now tells the people of Cork, as a threat, "The Land League will let you starve, if you give up the rent this year. Hold the Harvest. Keep it! keep it! keep it!" Three times repeated. "Let there be no individual bloodshed"—whatever that means—"but if the landlords bring the police and sheriff to shoot you down, do you then defend yourselves to the last. Let there be no rent paid pending a settlement of the Land Question. Let there be no petty spites, but clasp hands in this grand movement for the gaining of your rights and ultimately for the repossession of what should belong to you"—but, I may add, does not. Gentlemen, on the same day, as I told you, the same Sunday, the 15th August, at Kildare, we have two other traversers preaching the same doctrine. One is Mr. Dillon, and the other is the organizer, Mr. Boyton. Mr. Dillon's language is this. He proclaims the principles of the League; I assume he is reading from one of those cards—and says that "the immediate object is to put a stop to rack-rents. Every man in Kildare shall pay it no more"—that is to say such are the orders of the Land League, even though the unhappy tenant would like to pay his rent, and live and act honestly. No. "Every man in Kildare shall pay it no more." . . Again, "No arrears of rent shall be levied in Kildare. The country is emerging out of a grave crisis, and there is no use in a good season if you will not be in a good position to take advantage of it." There is no use in a man having money in his pocket if he does not keep it. There is no use in a man paying his debts, even if he could, because it is better to have his pockets full than empty, and as to speaking about a good faith and honesty, they are things of the past; they form no part of the precepts of this new gospel. He then goes on—"If you pay rent and arrears of rent this year the good harvest will go to the landlords. Therefore this year there shall be no arrears of rent paid." That is the edict of the Land League. Well, Mr. Boyton follows his leader, and also addresses the people of Kildare. He cries, "Tenant farmers, before you pay rent or your debts to the bankers and shopkeepers,"—now you see Mr. Boyton is becoming, in a measure, consistent and logical. There is no use in always talking nonsense, by telling the farmers to pay the shopkeepers and everybody else but not to pay the landlord. People are not fools, and if they are persuaded that they have a dispensation from the Land League not to pay one debt they will naturally arrive at the conclusion not to pay any. Whether Mr. Boyton, in his hurry, was betrayed into common sense or not, I do not know; but he tells the people of Kildare, whom Mr. Dillon had just been indoctrinating as to

why they should not pay rent when there was a good harvest; and of course they could not pay it when they had a bad one—"Therefore, tenant farmers, before you pay rent, or your debts to the bankers and shopkeepers, you must first perform your duties to your own wives and children." Now, there is at least consistency in this; the honesty of it is, indeed, another question altogether. It is, however, simple and intelligible doctrine. Do not pay anybody unless you find it convenient. Well, gentlemen, on the same day Mr. Brennan, the Hon. Secretary of the Land League, is preaching similar doctrine at Tuam, in the County of Galway. "I say," he tells the people there, "if you give the landlords the harvest in the shape of rent, you need not expect the people of America and of Australia to come again to your aid, to keep you out of the workhouses and from starvation—(a voice—"we won't.") I want you to pay the farmer 20*s.* in the pound, the shopkeeper 20*s.* in the pound, and to your neighbour 20*s.* in the pound, and if you have anything left you may give a little"—he does not even say the whole of it—"to the landlord to keep him from starving." Well, gentlemen, so far for the 15th August. The following Sunday, the 22nd August, similar doctrine is preached in Galway, at Kiltulla, and at Doneen, in Roscommon. The speakers were—Mr. Walsh, Mr. O'Sullivan, and Mr. Sheridan. Now, at Kiltulla, Walsh says this—"I ask you here to-day, as I have from many platforms during the last twelve or eighteen months, not to pay exorbitant rents, no matter what influence may be brought to bear upon you." Of course, that means any rent they choose to think exorbitant, no matter whether it is so or not. "I ask you, in the name of justice and humanity, to support your wives and children and clothe them. Pay the shopkeepers and everybody else. Educate your children," and "then," that is when their education is finished, I suppose, "then if anything remains you may give it to the landlords." At Doneen Mr. O'Sullivan—as he had said in the previous month to the people of Cork, so he now says to the people of Roscommon,—"I will ask you to pay no rents pending the settlement of the land question. Do not say to these landlords, 'we would pay your honors if we had it.'" No, that would be the language of old-fashioned honesty. "Do not be saying, 'I would pay you only I am afraid of my neighbour.'" I am afraid that is what many might well say wherever the Land League is firmly established. "Stand together, up like men, and say we will not pay you until you get this land question settled. Away, Mr. Cromwellian land thief." (Cheers and groans)—cheers of course for the speaker and groans for the Cromwellian land thief. "You will get no more; you have got enough already; and we are determined now to put away the likes of you." Mr. Sheridan then takes up the teaching. He proposes and gets passed a resolution in these terms:—"That we pledge ourselves to pay no rent pending the settlement of the land question, and we call upon our brother tenant-farmers to act upon the advice of the Archbishop of Cashel and the National Land League to hold the harvest." Yes, to take care not to give it, as Mr. Brennan says, in the shape of rent—"There is no use in having a good harvest if you don't keep it." What is the use of being blessed with money if you pay your debts! As Mr. O'Sullivan says—"Keep it; keep it; keep it." Sheridan then proceeds—"Yes, my friends, hold the harvest; that is the advice of Dr. Croke." Well it certainly is not the advice of the Archbishop of Dublin, nor of the bishop and clergy of Cloyne, nor, I believe, of the large majority of the bishops and clergy of Ireland. Those who listen to the voice of their natural teachers, who listen to the voice of religion and morality, hold no such doctrine as that. This

is the 'new gospel' which I hope will not take root in Ireland, that land, as Mr. Brennan says, consecrated by the blood of so many martyrs. The martyrs to whom he so refers, gentlemen, did not preach doctrine of that kind. That belongs rather to the Commune of Paris. It may be the doctrine of the Red Republicans; but it is not the doctrine of the bishops and clergy, or the honest people of Ireland if they were only let alone. However, to return to Mr. Sheridan. He says:—"Before you hand over any of the harvest to the landlords, you must see that you have ample means for your families." Ample means! "See that you have ample means for your families, and to pay the shopkeepers' account, and to pay whatever you borrowed from your generous neighbour, and if after that you have anything to spare you may give the landlord something to keep him out of the workhouse!" Gentlemen, upon the 29th August, there were again meetings—four in number—held in different parts of Ireland—in Leitrim, where Mr. Sheridan spoke; in Cork, where Mr. O'Sullivan was heard; in King's County, where Mr. Brennan went; and in Galway, where Mr. Gordon, leaving his boots and shoes behind him at Claremorris, appears to instruct the people of the county. A deputation, we find, attends at Manorhamilton, in the county of Leitrim, where Mr. Sheridan announces himself as deputed—specially instructed by the central body to go and tell the people of Leitrim, what the Land League—that is the present traversers and their fellows—desired to have done. He proposed this resolution, and it was passed, of course:—"That we pledge ourselves to pay no rent pending the settlement of the land question, and we call upon our brother tenant farmers to act upon the advice of the Archbishop of Cashel and the National Land League, to hold the harvest." So far for Leitrim. In Cork Mr. O'Sullivan, at Clonakilty, says—"Stand together like men in one grand industrial union, and say to these men"—the owners of the land, who had consented to let it, foolish people, thinking that they were to get rent for it—"and say to these men, 'We have been paying you rack-rents for years. You can show us no title or right to the land. It is mainly yours by Cromwell's sword or by confiscation.'" "However, we have been paying you for that right for years. We did it because we did not know our rights; but now that we do know them we are determined to pay no longer until we come to a settlement of this question." Well, gentlemen, in the King's County, at Clonmacnoise—that sacred spot—Mr. Brennan preaches, and he preaches on this wise—"You must be loyal to yourselves." That is the thing to be loyal to, according to the new gospel—take care of yourselves—universal selfishness—pay nobody you don't like—grasp all you can for yourselves, never mind the antiquated rule that you should "do unto others as you would like to be done by"—that belongs to the old order of things. "The old order changeth, giving place to new." "You must be loyal to yourselves, and you must in the first place refuse to pay any unjust rent." They were to be the supreme, heaven-born judges of that, no matter if yesterday they thought a just rent so much, and had solemnly agreed to pay it, they need not think it fair to-day—and all they have to do is to say its unfair, and refuse to pay it. "An unjust rent," he tells them by way of definition, is, "as my friend Mr. Kilrea has explained to you, anything over the surplus profit that remains after you have paid every claim for the working of your holding. Pay the labourer, pay the merchant, pay the banker, pay yourselves, in the support and the education of your children, and if there be anything over that, offer it to the landlord (cheers and laughter")—a very fit accompaniment to this precious

doctrine—"and if he does not take it, then put it in your pockets until he comes respectfully to ask you for it." Identical with the words I have read from the speeches of other traversers, showing they all breathe the same spirit and preach the same doctrine, and that is what they mean by getting rid of rack-rents, is simply inducing the people to pay no rent they do not choose to pay. Again, Gordon, another of the traversers, speaking at Caherlistrane, in the County Galway, on the same day, says, "Pay what may be fair until—and I hope it is not far off—the people of Ireland shall stand up and declare the land of Ireland belongs to us, that we are determined to maintain it, and that it belongs to no aristocratic robber." About this time, gentlemen, about the beginning of September—as I told you yesterday—a telegram came from that land of gold, California, sent by General Rosencranz to the Irish National Land League, and telling them, "No surrender to landlord tyranny; hold the harvest."

Well, gentlemen, there is no movement in Ireland or elsewhere of this character which has not derived some support, generally from popular ballads. Forty years ago we had the "Songs of the *Nation*," and some of them were very spirited and effective poems. In fact, from the days of Tyrtæus to the present, popular ballads have been found an admirable mode of preaching popular doctrines, being generally easily understood and easily remembered. It was, indeed, I believe, the earliest form of composition. Accordingly, I find in the *Nation* of the 4th September a very mettlesome, not to say insurrectionary ballad. Mr. Sullivan himself is no mean versifier. He is a gentleman of cultivation, and no doubt, appreciates effective poetry. However that may be, in the *Nation* of the 4th September, Mr. Sullivan publishes the following. It is headed

"TO THE IRISH FARMERS—HOLD THE HARVEST.

Now are you men, or are you kine, ye tillers of the soil?
Would you be free, or evermore the rich man's cattle toil?
The shadow on the dial hangs that points the fatal hour—
Now hold your own! or, branded slaves, for ever cringe and cower.

The serpent's curse upon you lies—ye writhe within the dust,
Ye fill your mouths with beggar's swill, ye grovel for a crust;
Your lords have set their blood-stained heels upon your shameful heads,
Yet they are kind—they leave you still their ditches for your beds!

Oh! by the God who made us all—the seignior and the serf—
Rise up! and swear this day to hold your own green Irish turf;
Rise up! and plant your feet as men where now you crawl as slaves,
And make your harvest fields your camps, or make of them your graves.

The birds of prey are hovering round, the vultures wheel and swoop—
They come, the coronetted ghouls! with drum-beat and with troop—
They come, to fatten on your flesh, your children's and your wives';
Ye die but once—hold fast your lands, and, if ye can, your lives.

Let go the trembling emigrant—not such as he ye need;
Let go the lucre-loving wretch that flies his land for greed;
Let not one coward stay to clog your manhood's waking power;
Let not one sordid churl pollute the Nation's natal hour.

Yes, let them go!—the caitiff rout, that shirk the struggle now—
The light that crowns your victory shall scorch each recreant brow,
And in the annals of your race, black parallels in shame,
Shall stand by traitors and by spies the base deserter's name.

Three hundred years your crops have sprung, by murdered corpses fed:
Your butchered sires, your famished sires, for ghastly compost spread;
Their bones have fertilized your fields, their blood has fall'n like rain;
They died that ye might eat and live—God! have they died in vain?

The yellow corn starts blithely up, beneath it lies a grave,
Your father died in "Forty-eight," his life for yours he gave,
He died, that you, his son, might learn there is no helper nigh,
Except for him who, save in fight, has sworn he will not die.

The hour has struck, Fate holds the dice, we stand with bated breath,
Now who shall have our harvests fair? 'Tis Life that plays with Death!
Now who shall have our Motherland? 'Tis Right that plays with Might!
The peasants' arms were weak, indeed, in such unequal fight.

But God is on the peasant's side, the God that loves the poor,
His angels stand with flaming swords on every mount and moor,
They guard the poor man's flocks and herds, they guard his ripening grain,
The robber sinks beneath their curse beside his ill-got gain.

Oh! pallid serfs, whose groans and prayers have wearied Heaven full long,
Look up! there is a law above, beyond all legal wrong;
Rise up! the answer to your prayers shall come, tornado-borne,
And ye shall hold your homesteads dear, and ye shall reap the corn.

But your own hands upraised to guard, shall draw the answer down,
And bold and stern the deeds must be that oath and prayer shall crown;
God only fights for them who fight—now hush the useless moan,
And set your faces as a flint, and swear to hold your own!

FANNY PARNELL.

Coming back, however, from poetry to plain prose, all this teaching by telegram, by speeches, and by ballad, was that the tenants when they got a good harvest ought to 'hold their own,' as it is called; must keep the harvest, and not to pay it in the shape of rent. We pass on to a few more extracts in the same month. At Proughlish, on the 19th September, I find Mr. Walsh tells the people this:—"The Irish National Land League is at your back. Now I ask you to hold your harvest. Keep it, you will want it to feed yourselves—to be loyal to yourselves is the great doctrine—and your families for the next six months, and if you have anything left give it to the landlord." Again, gentlemen, on the following Sunday, the 26th September, we have Mr. Dillon speeching at Skibbereen, in the south-west of Cork. He tells the people there "the way we do in Mayo with such men (as landlords), is all the tenants go together to their landlord and say—'Here is what we consider a fair rent this year,' and I say a fair rent to that man would be nothing at all. But supposing that you are able to give him something this year, let the tenants go to him and say—"Here is what we are able to give you—say the Poor Law valuation." (Cries of "Too much.") "If he says he will not take that, put it in your pockets and tell him that we, the Land League of Dublin, will try it out with him. We will go into every court in the country, and if they evict you, we will build cottages for the tenants, and we would like to see who would put you out." Further on, he says, "And what I advise the farmers to do is, pay this year the Government valuation and no more, and insist upon getting a clear receipt." (A voice, "They won't do that.") Creditors do not like to give a clear receipt for an instalment of a debt, except, perhaps, under an arrangement in bankruptcy. "Well," he says—"if they do not give it to you, then let the tenants

stand together and keep the land until he gives the receipt, and if he does not do that, keep all," that is the land and the money alike, "and we," the Land League, we the traversers—"we'll fight it out with him. If you go singly, he will crush you, but if you go all together, what can he do. If he undertakes to evict you, let him try it if he likes, and if he attempts it, he will find he has undertaken a very tough job." So far for Mr. Dillon. On the following Sunday, the 2nd October, we have a specimen of somewhat more guarded language, but meaning really the same, from the president, Mr. Parnell. He calls upon the people of Kilkenny, to "organize yourselves in this county of Kilkenny. If you join the National Land League, and send us information as to the rents of the tenantry throughout the country, as soon as we get the information, we will organize a strike against rent, upon the estate of every rack-renting landlord in Kilkenny. As soon as you form yourselves into branches of the Land League, send your rentals and the Poor Law valuation of every tenant-farmer in the county. We will select out of that number those holdings which are obviously paying rack-rents." This Land League sitting in Dublin, knowing nothing of the lands—we will settle in our rooms, at 62, Abbey-street, the whole matter —we will assist you to strike against all further rent to these landlords. "But," added Mr. Parnell, "we wish you, the people of Kilkenny, to do this in a methodical way." Well, the methodical way, of course, is organization. The means which the League has laid down from the first, is by means of forming local combinations and conspiracies; each man supporting his neighbour in defying the law. "You must organize yourselves. You must collect the information and send it to us in Dublin, and then we will select a certain number of landlords in this and every other county in Ireland, and we will call upon the tenantry on those estates to refuse to pay any more rents until those rents are permanently reduced, and we will stand by the tenantry in this struggle. We will help you with all the resources at our command, and there are millions of your countrymen, and countrywomen in America who will also help you,—who will send you money to keep up this struggle as long as you bear yourselves like men, and then, when we have found out these bad landlords and reduced them to their knees, when we have settled the question without any Act of Parliament, as far as the bad landlords are concerned, we shall not find it any more difficult to reckon with the good landlords, whom my friend Mr. Marum is so anxious about." I suppose Mr. Marum had been suggesting that there were some good landlords who ought to be let alone. They were, however, only to be the last devoured. That is the way this methodical work is to be done. To find out the landlords who, according to these agricultural professors in Abbey-street, are getting too much rent. "We will tell the tenants of these men to strike against rent; we will support them in the strike; we will bring these high-renting landlords first to their knees, whilst as to the others—the easy-going landlords—we will do them the favour of postponing their annihilation until we have removed the worst offenders by our methodical procedure. On the 3rd October, the next day, at Abbeyknockmoy, Mr. Gordon tells the people—"I ask you to pay no rent to the landlord unless he gives the land to you at a fair valuation. The time is approaching fast when all Ireland will be established as members of the Land League, and then we will give one solid strike against paying any rent at all until the land question is settled." Now, gentlemen, at Athy, on the same day, in the presence of Mr. Boyton who was organizing or confirming his organization of a branch already formed, one of the Land League, Mr. Lalor, Member for

the Queen's county, in the presence of Boyton, says "I would advise the tenant farmers of Kildare for the future to pay no rent higher than Griffith's valuation"—the same doctrine that had been preached by Mr. Dillon there before. "The landlords, of course, will tell you that I am a very dishonest man for putting such a notion into your heads, and if people act upon it of course they will say they are very dishonest. But no matter what you ask them for, if it was the least thing, they would say and think you were dishonest. Never mind about the dishonesty of the question. I am a Member of the Land League." The honesty of the thing belongs to the older dispensation, but the "new gospel" ignores such antiquated, such fossilized prejudices.

Well, Mr. Dillon, on the following Sunday, the 10th October, at Templemore, in Tipperary, tells the people "when the district is properly organized let the farmers go in a body to the agent, or the landlord, or the steward, and tell him what they consider a fair value for their farms. Tell him they will give him that and not one penny more, and that if he does not take that let him do his worst"—to which some of the people cry in response "we will give him Rory." Mr. Dillon proceeds—"The Irish landlords have now for a hundred years had it in their power to fix the rents—and the value of Irish land which, allow me to point out, they neither worked nor tilled. Now, the Irish National Land League proposes that for the coming year the Irish farmer shall fix the rent of Irish land." That is the doctrine of the Land League—this powerful body with many thousands of pounds at its disposal. "Now the Irish Land League proposes that for the coming year the Irish farmer shall fix the rent he shall pay. We don't propose to give the landlords nothing."—He was afraid that would be going too far for one step—he wished to proceed more gradually—"We don't propose to give them nothing, at least not yet, but we mean to give them a fair value, and we will see how that works for a year." They would strike off only part the first year, and then the time would come when they would pay nothing at all. There was as much honesty in the one proposal as in the other, and as much legality. Mr. Dillon proceeds again to enforce and amplify his teaching. "The first thing then," he says, is "What we, the Land League, propose to do is—to reduce all excessive rents, and, I think, that on the whole, for this part of the country Griffith's valuation would be a pretty fair standard to rest upon—the best standard we have for the present; but I know districts in the West, where, when the country is sufficiently organized, I shall advise the people not to pay any more rent at all, because they have been paying Griffith's valuation three times over—three times Griffith's valuation for twenty years. These men have bought their holdings, they have paid the full price, and they must have them for the future without rent." That is the liberty which the Land League governors would leave us. They would settle all these things for us, and tell the people they must have the land for so much, or for nothing whether they asked for it or not. "But in this district" (he adds), "where rents are not so outrageous, I think what we had best do for the present is to come down to Griffith's valuation." If we find, in other words, that robbing the creditor of one-fourth or one-third of his debt is submitted to, we will take that as having settled the principle, and then under the new dispensation we will rob him of the rest. On the same day in Galway, at Clerhaun, we have speeches to the like effect from Gordon and Nally. Mr. Gordon tells the tenants, "I tell the tenants,"—of some Mr. Brown, I believe—"here plainly, and in as plain language as I can use, not to give him a penny at all,

if he refuse to take what will support him." I suppose they would put him on tolerably low diet—bread and water likely, seeing that he is one of the greatest criminals possible, as now owning land. As to the future owners, how they will be regarded, it remains for the Land League to consider. Hold the harvest, hold the rent, is his doctrine. Nally follows. It would appear that the parish priest, like other clergymen throughout the country did not favour this new movement, and Nally exclaims, "spread the light in these mountain passes. Where is your priest to-day? They will be with you on Easter Sunday—they will be with you on Christmas Day. You can deal with them then. Hold the harvest, and say you will keep a firm grip of the rents." And, accordingly, they passed a resolution; "Resolved—That we stand firm in the conviction that the landlords will attempt to seize the harvest in the coming season for the payment of rack-rents, which harvest was raised by the people's industry, together with the charitable donations of the outside world, and we pledge ourselves to use every means to hold the harvest for the preservation of our families." First think of yourselves, gentlemen, and your own comforts, and having provided for them, and the education of your children, if you have anything left do what you like with it, even if it be the payment of your debts. On the same day, in Kerry, at the other end of Ireland, we find Mr. Biggar preaching to the same effect—in some respects to more effect. He is not content with telling the people what they should do themselves—he tells them what they should not let other people do. At Castleisland, on this 10th October, he says—"You can take care that none of your neighbours give more than the valuation to the landlords in the shape of rent—you can take care if any one is base enough to take property against the course pursued by his fellows that the public opinion of the district can be brought against him, and that he be forced, not by physical means, but by means which are exceedingly powerful, to do what he ought to do in regard to a matter of that kind" —that is, gentlemen, by isolating him from all his fellows; preventing him having intercourse with his neighbours; by making his life not worth having; by dogging his steps if he ventures to market or fair; by depriving him of what he holds dearer than life, his good name and fame—all this is to be inflicted on him by this organization if he does not submit to its dictation. On the same day, at Kilbrennan, Mr. Sullivan gives his views to the people of Westmeath. He tells them —"the Government valuation is itself not only a sufficiently high rent for Irish tenant farmers to pay; but I claim it is too high for them to pay"—you see, gentlemen, once you begin to move on this inclined plane it is very hard to stop. And to enforce this, that it is far more than enough anywhere. Mr. Sullivan proceeds:—"How was this valuation arrived at? The lands were not valued for rents but for taxation."—Well, that is quite true. The valuation was not for rent. It was for regulating the amount of local rates, and other people who object to Griffith's valuation being taken as the standard for rent, make that point, and say it is not altogether natural or fair, or for that matter honest, to fix upon that as a measure of rent, which was never intended to be so used, but was made for a wholly different purpose. I think on this point Mr. Sullivan's argument gave away, and, perhaps, it was in sympathy with the argument that the platform itself here broke down. However, when he had recovered himself, Mr. Sullivan began again—"The people" he said, "are already paying more, and a great deal more, than they ought to pay, and if this increased rate is put upon the tenantry in any part of Ireland"—I suppose he alludes to some

police tax—"I tell them to stop it out of the landlord's rent." Mr. Walsh at Bantry, on the 17th October, calls upon the people—"I ask you here to-day to strike from this time forward against the demand for rack rent. If you can support your family in ease and comfort, and educate your children—if you can, then pay the present rack rent; but if you are not don't pay the present rack rent." Now we have been told by some of the traversers that any rent is unjust; any rent is, as they call it, "an immoral tax," and, indeed, that there ought to be no rent at all, because the property belongs to the people and not to the landlords, who, up to this time, were supposed to own it. Gentlemen, on that same day, the 17th October, we find further speeches in Mayo, Tipperary, and Carlow, where Brennan, Dillon, and others spoke. Their several speeches, as before, entirely agree. At Westport Brennan says —"You have observed that what has most frightened the landlords is the combination which you have entered into, it is that lock that you have brought about, the combination that you have entered into against the payment of rack rents and the influence"—observe the careful choice of language—"the influence you have brought to bear to prevent any person taking a farm from which others have been evicted. Continue that and your cause is triumphant. You must refuse to pay a rent that you are not able to afford. I trust there will be no man traitor enough to his fellow tenants to pay a rent that he cannot afford, and to leave his children to starve during the coming winter." Gentlemen, on the same day, Mr. Dillon, at Holyford, tells the people—"The men of Tipperary are determined that under landlordism they will no longer remain. If the Government cannot find time during next year to settle the question the people of Tipperary will settle it for themselves by refusing to pay any more rent. Now, what do we propose? "We"—the traversers and other conspirators—"What do we propose? That the people are to defend themselves against eviction, to reduce rack-rents, and in the end become possessors of their own farms. We propose to carry out all this by strict organization—not by meetings—not by making speeches—and least of all by trusting to Parliamentary representatives. You must do it by organizing yourselves—by the tenants on each estate organizing themselves, and agreeing and pledging each other to act together. You must meet on each estate, and come to an agreement as to what you can fairly pay, and then go in a body to the landlord and say, this much we will pay and no more. You must say to him, then if you will not take this, and give us a clear receipt for all the rent due up to last gale day, we will not give you anything at all." Further on he tells them—"The doctrine the Land League teaches is this, that the landlords of Ireland have had it in their power for eighty years to fix the rents at their free will; that is not just, and now the Land League, with your help, is going to take that business into their own hands." It must I suppose, have struck the speaker that if it was unjust on the one side for the landlords to fix rent as he alleged, it would be equally unjust on the other hand for the tenants to take the fixing of the value into their hands. He therefore solves the difficulty by announcing that the Land League is going to take the whole business into its own hands. We will do it all in Middle Abbey-street. "In each townland"—here is again the methodic procedure of the League —"in each townland the men should agree to go round and ask every farmer to give his name for the Land League. Let them go with books, and let each farmer give his valuation and his rent. Let those be brought all in to the central committee, and submitted to them

and let them say where the rents are excessive, and in that townland order the members to pay no more than a certain sum for rent." Yes, make orders and decrees, and deal with refractory persons that do not obey the orders of this self-constituted body, in the way we are so familiar with and which Mr. Biggar truly says is so "exceedingly powerful." "When that order goes out, any man that does not obey it, is a traitor to the people and a friend to the oppressors of the farmers, and do not you have any more dealings with him, and he will soon leave the country." The name "Boycott" was not invented at that time, for this species of isolation and artificial misery with which the man who would not obey the order of the conspirators was to be surrounded. He was to suffer present misery and have danger always hanging like a dark cloud over him. "He will soon leave the country"—I think, indeed, he had better do so while he can. Mr. Biggar again at Carlow—his first appearance, I think, upon that stage, addressing the people at Tullow, tells them that "one of the duties of the League is that pressure shall, as far as possible, be brought upon the landlords not to ask more than the Government valuation in the shape of rent. That can only be carried out in one way, namely—by thorough combination on the part of the tenant farmers throughout the whole country, and by the thorough loyalty of each one toward all the rest. "If you unanimously agree not upon any pretence to pay more than the Government valuation, the landlord will be very glad to take it."

Now, that brings us down to the 19th of October. On the 21st October Mr. Biggar proceeds to the County of Cavan, which he represents — and at Bailieborough tells his constituents, "Now the limit we say as a reasonable rent for land is the Government valuation." I don't know that Mr. Biggar knows anything about land, or, indeed, that any of his colleagues are at all better informed in that respect. But still the Executive of the Land League, sitting in a room in Abbey-street, think it proper for them to lay down a standard for rent through Ireland, and insist on their order being obeyed, treating as a traitor any one who is independent enough to say, "I will think and judge for myself, and pay my rent; because I think it is not too much." No, say the Land League, what we think a reasonable rent is the Government valuation, and more must not be paid. "Take it for all and all it is a reasonable tax, Mr. Biggar says, to lay upon the industry of the people." Mr. Sexton, another of the traversers, also attended that meeting at Bailieborough, and he followed Mr. Biggar, saying "the local branches of the Land League should consult together in these troublesome times, and agree what rent they will pay to their landlords. Let them offer this rent—it may be Griffith's valuation—offer whatever you can fairly pay"—you of course yourselves being the judges of the fairness and convenience—"if the landlord will not have it why you have no choice but to keep it. Let him, if he wishes, have recourse to law for his rights, and I can assure you, in every such case, the National Land League will be ready to give you liberal help from its funds—any man who violates the law which you have laid down you must leave that man as lonely in the midst of a populous town as Robinson Crusoe was on the island." Well, on the 24th October, two days afterwards, Mr. Dillon and Mr. Sullivan attended at Clonmel. Mr. Dillon there says "hold a meeting, and come to an agreement on each estate what would be a fair and moderate rent to offer." He was afraid that they might consider a "fair" rent would err on the side of liberality. No, it is not only to be fair; it must be moderate. Don't give too much; it must be a moderate rent. "Griffith's valuation is pretty

near the mark, I believe. Come to the agreement, and let every man take a pledge not to go back on his neighbour, and let the tenants go together and make the offer; if it will not be accepted put it in your pocket, go home, and lodge it in a bank till they come to reason." About this time I gather from some of the remarks made by the speakers that it was rumoured there was likely to be a limit to the endurance of this wide-spread tyranny and preaching of dishonesty, and that a prosecution might come of it, for I find Mr. Sullivan on the 24th October, saying—he is speaking of the rumours of prosecution—"Now, what is the third count in the indictment? It is a count that touches the hearts of the landlords very deeply, because it touches their pockets.' "It is that he"—Parnell, speaking of him as the president of the League, and representing the general body of conspirators—"reduced the rents of Ireland." Well, what does Mr. Sullivan say? The answer is—"He did." Mr. Sullivan glories in it. Do you believe him? Now, gentlemen, it is not necessary for us to prove that the combination was successful. In point of fact everybody knows that it has been too successful. But here we see Mr. Sullivan glories in it. The charge against the traversers is, that they combined to injure the landowners by inciting the tenants not to pay their rents; not to pay to the landowners what was their due. Well, Mr. Sullivan says—"He (Mr. Parnell) and his friends have reduced the rents in many parts of Ireland, and kept many thousands of pounds in the pockets of the people who earned it, and who had the best right to keep it." That is the "new gospel"; take care of yourselves, be loyal to yourselves, put all the money you can in your pockets, pay only what you like of your debts, and the Land League will support you in that most admirable and convenient practice. On the 30th October we find Mr. Biggar at Bawnboy, telling the people that "any sum of money claimed, in the shape of rent, beyond the Government valuation, is *bona fide*, clear, and simple extortion and robbery. We say the Government valuation is even too high a valuation." You see, accordingly, that Mr. Sullivan's statement is bearing fruit. In proportion as success, unfortunately, attended these operations of the confederates, their doctrine became broader and broader. Now, the Government valuation is too much, as Mr. Biggar and Mr. Sullivan tell you. For the present, however, Mr. Dillon proposed that it be given, and they would consider next year how much less they would give.

Well, on the 31st October we have a series of meetings in Tipperary, in Leitrim, and in Cork. At Tipperary we have Mr. Parnell and Mr. Dillon. We have Leitrim instructed by Mr. Biggar, and Cork by Mr. Walsh. At Tipperary Mr. Parnell tells the people assembled there, "When you have a good harvest, then is the time to hold it." It is a very convenient doctrine—this new gospel. When you have a bad harvest the landlord in kindliness and humanity should not ask for it, but when you have a good harvest, be loyal to yourselves and keep it. Disregard the old worn-out doctrine of doing your duty to your neighbour. Be true to yourselves. Now that you have a good harvest is the time to hold it. "You had nothing to hold last year, and perhaps the necessity for exertion was not so great as it is to-day"—no, probably not, because all fair-minded men—and I believe most landlords are such—dealing with their tenants in a year of scarcity either give them time or a considerable abatement of their rents. But when the good harvest comes it requires some extra exertions, no doubt, to prevent debts being honestly paid. It requires that the passions of the people shall be excited to induce them to listen to this thievish doctrine that when you have the means of paying your honest debt, you are not bound to pay it.

"But the people of Ireland," Mr. Parnell says, "have, as a first duty, to look after themselves and their wives and families." They are to be true to their own interests. Again, he says "The two chief planks on our platform are, firstly, that the tenants shall not pay rack-rents, and secondly, that no man shall take a farm from which a tenant has been evicted under such circumstances." Those in short are the chief ordinances of the Land League. Mr. Dillon follows the President of the League. He says—"Now, with regard to the rent, I think that the time has come in Tipperary when we ought, in the name of the National Land League, to proclaim all over this country that for this year people shall pay no more rent than Griffith's valuation." In Leitrim, Mr. Biggar, on the same day, says—"Leave the matter thoroughly within the cognizance of the Land League."—I don't know exactly what that means, unless it be, "put your trust entirely in the central body."—"Another thing which should be done is this, supposing any landlord has been insisting on getting a larger rent than the Government valuation, a combination should be entered upon by the tenants on that particular property, and they should all say we will give you the Government valuation in the shape of rent, and if you don't take that you will get nothing at all. Now, my friends, these are all matters within your power. At the same time, unless you all combine and act together in an organized manner as one man, the result will be that the landlords will beat you; but if you stick together, each one helping himself and his neighbours, the result will be that the many must triumph over the few." At Kealkill, in the county of Cork, we find Walsh at the same time saying, "I ask you, the people of Cork, here to-day to pledge yourselves, every man of you all, not to pay beyond Government valuation for your holdings. Ask yourselves the question, can I pay the shopkeeper, can I pay the merchant who supplied me with goods last July; can I educate my family and clothe them, and live in ease and comfort—ask yourselves can I do this, and can I pay a rack-rent?" (Cries of "No, no.") Gentlemen, I am happy to think that I am nearly at the end of this catalogue; but on the following day, the 1st November, I find Mr. Parnell and Mr. Dillon, speaking at Limerick, while on the same day Mr. Biggar is instructing the people of Tyrone, at Dungannon. On the 1st November Mr. Parnell tells the people of Limerick, "The completeness of this settlement must depend entirely upon your own exertions, and what we ask you to-day"—what we, the Land League—we, the defendants, now on our trial—"for this winter is to push down the rents"—push down the rents, lower the rents—"Combine amongst yourselves for the purpose." Somebody here cries, "They have us processed," but Mr. Parnell answers, and with contemptuous tone, "If you are afraid of a process, you had better go out of the country altogether. Combine amongst yourselves, offer the landlord a just rent, bring the strong force of public opinion to bear upon any man who dares to take a farm from which another has been evicted, and in this way you will settle the question." Yes, the strong force of public opinion brought to bear on the man who dares to take a farm—public opinion backed by the terrorism and oppression which we have heard, and they will settle the question very soon. Mr. Dillon follows his president, and tells the people of Limerick what the National Land League has proposed. "It has proposed to the people of Ireland to settle the Irish land question." Not a word, you will notice, about Parliamentary measures or legislation—all is to be done by the people themselves and the National Land League. "Let me tell you that the

National Land League does not propose only to prevent the landlords raising their rents, but it proposes to teach the landlords of Ireland that the day has gone by when they are to fix the rents of Ireland, and that until they come to a just settlement of the question, the Land League and the farmers of Ireland shall fix the rent at a fair value, and pay no more than what is fair. We propose to bring down the rents of Ireland to what would be a fair value." I don't know whether Mr. Dillon's education or antecedents enable him to form any better opinion than I could form of the value of any farm in Ireland, but we must not mind that. The object is, you know, to bring down the Irish landlords to their knees. "We propose to take back from the landlords what they have robbed from the people in the days of their power. We propose to settle the Irish land question by showing"—at this a voice cried out, "American principles"—well, they are outlandish principles at all events. A good many of them have been imported in the flesh from America; but I believe that the principles are attributable to another source than America. "We propose to settle the Irish land question by showing the Irish landlords that we, the people of Ireland.' "We, the people of Ireland," means, of course, the confederates in Abbey-street, "have the power, without appealing to Parliament at all, to dictate to them what rents we shall pay and to pay no more. Now, I want to ask the people of Limerick are they going to submit to tyranny, while Tipperary, Clare, Kerry, and Cork have raised the banner of revolt against it (cries of 'No, no'). If you are not going to submit, show you are men, and let there be before Christmas—before three weeks are out—a branch of the Land League in every parish of the county of Limerick. Go over the rent-roll of every estate in the county, and when the next gale day comes, have agreed amongst yourselves what you are going to pay. In Tipperary they have pledged themselves to pay no more than Griffith's valuation. I think you would do well to have the same pledge in Limerick (cries of 'We will'). When you have taken it stand to it like men, and stand to each other, and if any man goes back upon his neighbour, then let him be an outcast in Limerick. Now is the time for every county to organize and pull together in this cause." At Dungannon, in Tyrone, Mr. Biggar tells the people "when you have properly organized, if you live upon a property where the landlord is extorting unreasonable rents, that is anything beyond the Government valuation, let all the tenants join together, and say, 'you are asking an unreasonable rent, and we will not pay anything more than the Government valuation.'"

There are a few further speeches which I must call attention to, adding that they are subsequent in point of date to the filing of the information, and I tell you, before I read them, that they are evidence at all events against the traversers who spoke them.

Mr. *Macdonogh*.—I object, of course. I'll discuss the matter at a proper time.

The *Attorney-General*.—Of course everything that any one of the traversers may say, even to this hour, is evidence against himself. Well, I find Mr. Sullivan, speaking at Athlone on the 7th November. This time he has not to draw upon his imagination for the charges that were to be brought against himself and his colleagues. He had the information in his hand, and made, if I remember right, some theatrical use of it for the amusement of his hearers. He says—"What are the charges in this long indictment? Some person who has made his way through it told me all about it. The charges are that Mr. Parnell and the others

reduced the incomes of the Irish landlords (cries of 'To hell with them'). Well, now, maybe he did," said Mr. Sullivan. He was, you see, a little more cautious now than he had been at Clonmel a few days before. "Maybe," he said, "he did reduce the rents of the Irish landlords;" and of course we know what "maybe" means in Ireland. We know it means "he did." "But," he proceeds, "I can tell you they increased the incomes of the Irish tenants." They preached—and so far as their doctrine was effectively preached—they induced the tenants to keep in their pockets the money which, according to old-fashioned notions, they should have paid as their rents. "And another charge is that they created ill-will and animosity amongst different classes of her Majesty's subjects (cries of 'He was right to do it'). Yes, we must bring down rack-rents, and put a stop to eviction. They may prosecute some of us, and imprison us, but we care little for those things." On the same day, the 7th November, Mr. Sexton, speaking in Sligo, at a place called Cliffoney, tells the people what he and his friends have done. He says—"The Land League came before you and it said to you, if you, the local branches of the Land League, and the tenants on the properties consult together, and if you ascertain what rent you are able to pay, remembering always"—lest it should be forgotten—"the supreme obligation of sustaining your wives and children and those who are naturally dependent on you"—I don't know what that was meant to cover—"the Land League told you to ascertain what that rent was, and to offer to pay that rent, and, if that offer were not accepted, then to allow the landlord to resort to legal means for the assertion of what he calls his rights. We told you to sustain as well as you could any man who, for carrying out your principles, was crushed by the hand of the oppressor. We told you that in that attempt to sustain that man you would have the assistance of the Land League. We further asked you to pledge yourselves one and all by a solemn public vow not take any farm from which another man had been unjustly evicted." Now, gentlemen, on the same day, at Killaloe, Mr. Dillon, one of the leading traversers, made a speech, addressing the men of Clare and Tipperary. The meeting was held, I think, on the Clare side of the river. He states what he and his friends have done, about which there was no dispute until we came into court; for so far from denying their action, they have taken great credit to themselves for it; and if you believe these gentlemen's own words, there is really no doubt about the matter at all. "What have we done," asked Mr. Dillon of the people of Tipperary and Clare. "One short year ago we told the people of Ireland that they had gone on the wrong path, that they would never get justice from an English Parliament; that they never would get justice from Members of Parliament sent over to represent Irish constituencies. We told them that if they wanted justice, and if they wanted freedom they should fight the battle in Ireland. We told them that they should learn their own strength; that they should band themselves together; that they should meet the landlords of Ireland on the fields of Ireland, foot to foot and hand to hand; that they should teach the Irish landlords that the day had gone by when the landlord was to fix the rent; that they should teach the Irish landlords that the day had passed when the Irish landlords could drive an Irish family out of its home; and that they should do that by following out a determined, and resolute, and combined policy of self defence, and by gathering, into one mighty organization, the whole manhood of Ireland pledged never to turn back from the battle until the whole institution of landlordism is swept away."

No gradual absorption of the fee-simple ownership by the farmers, as occasion might arise—but a life and death struggle to be continued resolutely and persistently, until the whole system of landlordism is abolished. He then goes on to say that it would have been far better for Ireland if the people had refused long ago to send men to, or trust any man, in the House of Commons; if they "had resolved eighty years ago, as they are resolving in their meetings and in their thousands to-day, they would make a law unto themselves in Ireland and not submit to British law. Let, then, the manhood of Ireland arise to-day and resolve that they will bring Irish landlords on their knees before that door." "Never to rise again," is the responsive cry of the people thus addressed. "Let us resolve," Mr. Dillon goes on, "that the tenantry of Ireland will never again ask for justice at the hands of English Ministers, or from the English House of Commons; but that, by their action in Ireland they will drive the Irish landlords over to London to look for protection and for justice." Yes, to beg for life first, and their rights, or some portion of their rights afterwards. Hunt them over to London to save their lives and obtain such measure of justice as they may. "Let me tell you" (he adds) "you can do all this. It only requires you to follow the doctrines of the Land League, and you will teach the Irish landlord that not he but the Land League will settle the rents; and you will teach the Irish landlord further that he will not evict one man out of his home until the Land League gives him leave." There is a charming candour in Mr. Dillon's language—no reticence or uncertainty of sound with him—"I say here to-day, in the name of the tenantry of Ireland, that it has come now to that pass we do not care about any legislation." It is thus quite clear, gentlemen, that we are not stopping any constitutional discussion carried on with a view to Parliamentary action—there is now an end of that pretence—"Irish Farmers"—he quotes from what is supposed to have been said in a letter to Mr. O'Connell many years ago, at the crisis of the tithe war. "I repeat what was said fifty years ago, by a Tipperary priest in writing to Mr. O'Connell—'Irish farmers don't want protection, they don't want legislation—all they want is a fair field and no favour, and to leave them face to face with the tyrants.'" As Mr. Sexton, at Cliffoney, pithily putting it, said, "According to the doctrine of the Land League, the landlord and tenant cannot subsist together in Ireland; one or other must go, and the tenants shall not go." "Follow the Land League," Mr. Dillon cries, "which has already shown its power of protecting the farmers of Ireland. Follow the Land League"—and this is important with reference to one of the charges in the information—"Follow the Land League, which has already forced, to my own knowledge, seven men in Ireland to resign farms which they had taken over their neighbours' heads. In the town of Midleton, in the Co. of Cork, there was a man evicted and his neighbour took the farm. He had gone behind his back and bribed the agent. I sent down there last week at the request of the Land League, that I would hold a meeting there on Tuesday next, and request him"—you can imagine what that means—"to give up the farm, and on Friday last, the Land League got a letter saying he begged to state he would resign the farm." This was evidently on the point of becoming a model farm, on which no living thing could go. An unfortunate man, consulting his own interests, dares to take it, and receives this polite request from the Land League meeting presided over by Mr. Dillon that he would abandon it before the following Tuesday. Of course the man thought it better to give it up. It did

not need that Mr. Dillon should even go there to hold his meeting. "I did not need to go down there at all, so we are now going to give it back," that is to the evicted tenant. Quite enough that this powerful organization, as it is boasted to be, with all the money and means at its disposal, should just send down a request or intimation suggesting, "it is much better for you to give up the farm." The man knows what that means. Whether that is one of the seven Mr. Dillon knows of, or an additional one making eight, I cannot say; but Mr. Dillon says he knows of seven or eight instances in which the Land League, by its, I venture to say, illegal action, has forced people to give up farms which they had taken. They may as well, too, force people to do anything else once they have entered on this path of tyranny. Mr. Dillon proceeds:—"I may say that we, as members of the Land League, are determined that when the land question comes to be settled we will have no compromise. The message, then, I have to give you is this—there are ten or twelve thousand Clare and Tipperary men, and, if you follow out our policy, you can protect yourselves against oppression, and you can lower the rack-rents down to a fair rental." He then refers to a particular landlord with whom I need not now trouble you. He says—"Now, in the hour of our power"—when merely sending a letter from Abbey-street is quite enough to drive a man from his farm—"now, in the hour of our power, when we might treat him as he treated us, we will not do so; we will give him justice in place of the injustice he used to mete out to us, but that justice we will have in spite of his teeth." He then tells them that the task before them is this—"Pledge every man who is here, and every man in the two counties—Clare and Limerick—not to pay one farthing over Griffith's valuation, and if any man"—the sentence breaks here—"let every parish in the two counties have its Land League; let every man be enrolled in that Land League; don't wait for them to come in: let young men who know the people go round, and ask them to join the league, and then you will know who are the friends of the people, and who are their enemies, and then let each parish resolve for itself what they will pay in the shape of rent. Let them hold a meeting of the executive, let them consider the case, and let them resolve what they will pay." You will perhaps remember my reading to you yesterday a resolution, passed by the central body in Abbey-street, in reference to the people of Clare, who assembled at Ennis, had consulted the League as to the rent they should pay. It was then suggested by Mr. Parnell—that that was a matter they had better leave to each local Land League to decide—it being a field of work in which they would find plenty to do. So here at Killaloe we have the doctrine preached—that every parish should resolve what is a just rent—"let them hold a meeting of the executive, and consider the case, and resolve what they will pay. If you have a very bad rack-renter you ought not to pay him a single farthing this year; you will deal with each case according to its circumstances. If he is more moderate come down to the valuation, but you must suit the resolution to the circumstances of each locality. When you have come to that resolution, then the man who goes back on the organization—who goes behind backs and pays whilst he stands pledged to his neighbours to stand by them—you must treat him as what he is; that is to say a traitor to his people and to his country." We know what that signifies. "You must make an outlaw of him"—put him beyond the protection of the law—every man's hand against him—ready to strike, when the opportunity comes,

and when, as will often happen, the law cannot save him—"let no honest man speak to him, or have anything to say to him. Don't let any man terrify you by threats of putting you to costs. Don't be easily frightened—you must stand together, and if it comes to eviction, why what you have to do is to keep the farm empty, and we will stand by you as best we can until you get the farm back again. If you pull together—if the organization is strong, there will be no evictions, because the landlord will be afraid to evict." "I say that if the landlords of Clare and Tipperary succeed this year in breaking down your combination, and compelling the people to pay what is an unjust rent, then I will acknowledge that the people of Ireland are cowed by prosecution. Show them that you have learned at last to pay back blow for blow, and that if the landlords strike at your leaders by prosecution, you can strike a counter blow. Listen to me, because this is a practical piece of advice. Show them that you will strike where they are vulnerable, at their weak point. Strike at their pockets. By doing that, if you strike heavily at their pockets, you will before long bring them to reason, and to give justice."

Now, gentlemen, that is Mr. Dillon's speech at Killaloe. On the 9th November, he and Mr. Parnell went down to Belleek, in the county of Fermanagh. There was a meeting there, and Mr. Parnell thus addressed the people of that part of the country:—"We ask you to-day to adopt the principles of the National Land League of Ireland, which declare that landlordism, as an institution, has failed, and must be cut away, root and branch. We don't want to fix rents." What he means, I suppose, is, that he does not want to perpetuate the rents. "We want to reduce them, first"—to that extent he would fix them by cutting them down one-half, I suppose—"We want to reduce them, and finally to abolish them. Reduce them to Griffith's valuation for the present year; next year we will see what is to be done. "How are you to do this? By combination amongst yourselves. Let me tell you that your position is one of great power, and that if the tenant-farmers combine and organize themselves, landlordism must go down before you. We have seen combinations of workmen in England and trades-unions; but your power is much greater than that of workmen combining against their employers" —and he then points out the peculiarity of this Land League mode of combination—"the employers can lock the workmen out of their factories and starve them to death; but you have possession of your holdings, which is nine points of law. Keep the nine points of the law," that is keep a firm grip of your homesteads—don't mind whether they belong to you or not; "keep the nine points of the law, and in a very short time the legislature will give you the tenth—Combine therefore, organise amongst yourselves, protect yourselves against the landlord conspiracy which has condemned this country to poverty and degradation. Laugh to scorn the action of the Government. Stand by your rights, be determined, and depend upon it that the day is not far distant when free land in Ireland will enable our country to be first prosperous and then free." Then Mr. Dillon follows his leader and says—"We want to know whether the Protestant farmers of Ulster like to be rack rented? whether they like to be evicted? If they do not like to be evicted they will join the only organization in Ireland which can protect them from rack-rent and from eviction. The Land League has kept the roof over many a Protestant in the south of Ireland; the Land League has reduced the rent of many a Protestant farmer in the South, and it will reduce the rent of many a Protestant farmer in Ulster

before this year is out. Let every man then, in his heart, before he goes home, resolve to join the Land League, and adopt its principles. But you must work hard, and if you do, two years will not pass before every man who is listening to me to-day will become the owner of his farm." Well, gentlemen, one more extract from a speech of Mr. Dillon on the same point that he mentioned before—his testimony as to how he and his confederates have driven new comers out of evicted farms. He tells the people at Ballaghadereen, on the 21st November, "We have not alone stopped the hand of the evictor, but we have undone his work." That is the very thing we have charged them with. "In seven or eight cases we have taken away from the landgrabber the prey which he took from the unfortunate victim of the evictor; seven farms have been handed back to the Land League at our request. It is but a short three weeks ago since in the county Cork a man who had taken a farm from which his neighbour had been evicted, at my request gave it back into the hands of the Land League of that district." A note you will remember was simply sent to him, and he thought it better to give it up. Then, gentlemen, Mr. Dillon tells the people—"If we are convicted, what you have got to do is to pay no rent next March." This is, as he had before expressed it, they were to strike a counter blow at the landlords—to strike them in their most vulnerable part—strike them in their pockets—and he here again repeats the doctrine, that he has already enforced in many parts of Ireland, namely, to let the tenants "go in as a body and offer to the landlord or to the agent, the rent on which they have agreed; and tell him that they require for that sum a full and clear receipt; if he refuses to give that full and clear receipt take home the money and pay him nothing, and wait until he becomes more reasonable. Well, the man who goes back upon his neighbours, and who breaks away from the engagement, and pays his rent, all you have got to do is to turn the cold shoulder to him—have no communication whatever with him. Well, then if any of you be served by the landlord with notices of eviction, come unto the Land League here—send up the notices to Dublin, and we will take them up, and defend them and back you up through the struggle. If you are evicted, as sure as there is a sun above you to-day, you will be back again before the year is out." Yes, no sooner has the Sheriff turned his back, than the man is to be put back again—such is the admirable arrangement of payment by results; the old tenant will be restored by some unknown people, who come in the middle of the night and put him back again. "So long as they keep the army on the farm (I suppose he means the police) we will support the tenant somewhere in the neighbourhood." A watcher on the hill tops close by will see that no one else goes there; "and as soon as the farm is evacuated (he is very fond of military language) he can go back to his own home." In other words they encourage the tenant to go back to the house from which he had been evicted, and which by law had ceased to be his home, as soon as he gets the opportunity. He adds, "I wish to say a word about the amount of rent which tenants ought to pay. This is a question which we must leave to each branch to decide for itself, but if high rents have been charged for some years past, they ought to pay nothing at all this year. Where the rents have been more moderate, I think that where they are able to afford it (that is left to their own discretion) they ought to pay Griffith's valuation. We leave that to the Executive of each branch to decide." Again, "For thirty years you knelt at the bar of England's

Parliament and you got no redress, but we told you to band yourselves together and to stand upon your own rights and your own manhood, and where are you to-day? You are in a position not to beg for a reduction of rents—not to ask for favours from the landlords or agents—you are in a position to determine what your rights are; and when you have made up your minds to stand up and insist upon them." A most convenient doctrine that, for all people who owe money, that they are only to repudiate and stand firm. "But remember also that your freedom can only be kept by the strictest organization, by the courage, by the determination, if the hour should come, that you will stand to your rights as men. The plain English of this is:—You are to stand to your rights as men, and your freedom is only to be kept by land league combination and terrorism overriding and extinguishing the freedom of those who don't agree with you, and those who do not chose to obey the tyrannous code of laws which we have passed shall be treated as outlaws against whom every man's hand may be raised. "We confidently trust" (he says) "that this struggle will go on to the end without bloodshed, without violence, and without danger, but shame on the Irishman who would be afraid if the necessity arose and if the risk came, to take his stand by his own threshold and defend it at the cost of his life-blood." Don't shoot anyone if it is not necessary, but if in the enforcement of the law you cannot stick to your homestead—which the law says has ceased to be yours by the non-performance of the conditions on which you got it—you are to defend the threshold even at the cost of your life. "Prepare—organize for defence—attack no man—commit no violence—but when you are attacked show the man who attacks you he has got to deal with men and not with women." Well, the meeting wound up by Mr. Dillon making an apology for the absence of a gentleman who should have accompanied him on the occasion, namely, his colleague, Mr. Sullivan—"I wish to say what I omitted to say before, that I was requested by my friend Mr. T. D. Sullivan, of the *Nation*, to apologize to you for his not being present to-day, as he promised to do. But we have to-day twelve great meetings like this, and we (the Land League) were compelled to send only one to speak at each meeting, and in fact we were obliged to leave some very important meetings without any speakers at all except local ones. So Mr. Sullivan was requested by the Executive of the League to go to Parsonstown where a great meeting is taking place, and this will be his excuse for not being here to-day."

Gentlemen, I don't desire to weary you with further extracts. I have read what you may consider too many, but it was necessary to read them. We have fourteen persons charged with all preaching the same mischievous doctrine—all giving the same advice—all conspiring and agreeing to advise and incite the tenants of Ireland not to pay their rents—and I have given you altogether, I believe, some seventy extracts. The number might have been greatly increased, as you will find hereafter, for one and all have been engaged for months in persistently giving this advice. Now, as I told you before, the mere agreement to incite tenants to this course of opposition to the law is itself an offence—even if it had not been in the slightest degree successful. As we know, it is all too successful; but, as I ventured to tell you, it is not necessary, in order to constitute the offence known to the law as conspiracy, either that the acts agreed to be done should be done, or that the acts agreed to be done should be such as, if done by one person,

would fall within the cognizance of a criminal court. All that is necessary, is an agreement by two or more people to do an unlawful or illegal act, whether that act be the ultimate end they have in view, or only the means to that end. Now, gentlemen, it was reserved for this generation to regard a course of conduct of the kind that these confederates recommend, as not only moral and right according to the new gospel, but as perfectly legal and constitutional. Such was not the opinion of one of the greatest lawyers, as well as one of the greatest men, that Ireland has produced. There is nothing absolutely new, we are told, under the sun, and accordingly it appears that in time of the agitation conducted by O'Connell, through the Repeal Association, some ill-disposed or ill-advised person—a gentleman called Connor—had, during his absence from the meetings of the body, proposed to have a resolution put on the books for consideration, to the effect that there should be a strike against the payment of rent. Mr. O'Connell came back, and gave this opinion upon the proceeding.

Mr. *Macdonogh*—Do your lordships ever fancy that this could be evidence?

The *Attorney-General*—It is a question of law.

Mr. *Macdonogh*—It is not a question of law.

The *Attorney-General*—It is the opinion of Mr. O'Connell on a point of law.

Mr. *Macdonogh*—The opinion of Mr. O'Connell?

The *Attorney-General*—Yes, the opinion of a dead lawyer may generally be referred to, though the opinion of a living lawyer is not of any authority.

Mr. *Macdonogh*—My lords, I object to it.

Mr. Justice FITZGERALD—What do you propose to do, Mr. Attorney-General?

The *Attorney-General*—I propose, my lord, to read Mr. O'Connell's opinion as to the criminality of a strike against paying rents, which I submit, may be cited as the opinion of a deceased lawyer, not the less important because he was a lawyer of great eminence in his day.

Mr. Justice FITZGERALD—When and where was it expressed?

The *Attorney-General*—At a meeting of the Repeal Association, and proved on oath in the course of the O'Connell trial in the presence of Mr. O'Connell and Mr. Macdonogh.

Mr. Justice FITZGERALD—We think you cannot read that.

The *Attorney-General*—Very well, my lords; I bow to your lordships' decision.

Now, gentlemen, with regard to the charges of combining to create animosity between landlord and tenant, and to injure landowners, I have read a great number of extracts from the speeches of the defendants, because the only way to prove this—or, at least, the best way—is out of their own lips. If you find that these gentlemen have all spoken as they are reported to have spoken, it will be impossible for any of you to doubt that they agreed and combined to spread these doctrines. The object of the combination, as stated upon the back of their Land League card, was to bring down rack-rents,—but this they meant to effect, not by inducing tenants to get rid of farms which were too highly rented and give them back to the owners, but by persuading the tenants to keep a firm grip of their farms, and keep them at what-

ever rent they themselves thought fit to pay: and to carry out this scheme by an organization which the law calls criminal conspiracy; being a combination to impoverish and injure the owners of the land and in fact defraud them of their legal rights. Gentlemen, if there are to be alterations in the land laws, they must be made in a proper and regular way; and we cannot listen in a court of justice to the suggestion that to change the laws it is needless to resort to Parliament, but is quite sufficient for the Land League and those who accept their teaching, to take the matter in hand themselves and determine what rent a man shall pay to his landlord, and hereafter I suppose, how much of his debt he shall pay to his other creditors. Such a thing cannot be tolerated. It would not be agreeable to a merchant or other man of business to have such a system forced on him. For the present, indeed, the Land League tells the people to pay these debts—to pay the shopkeeper and in fact everybody, but the landlord. You may pay 20*s.* in the pound to the merchant; then provide for yourselves, for your own ease and comfort, and if there is anything left you may pay the rent, or as much of it as you like, but insisting that such payment shall be taken in full liquidation of all arrears, and if not so accepted, whether it is 1*s.*, or 15*s.* in the pound, put it back into your pockets and keep it. Now, gentlemen, unless we had reliable evidence that the parties met in a room, and put down each what he meant in writing, by no possibility could you have a conspiracy or combination, for this or any other purpose, proved so satisfactorily, as by the unintended, simultaneous, and accordant statements of the traversers themselves in different parts of Ireland—generally upon the same day. You find no other explanation suggested of the stoppage of rack-renting mentioned in the Land League card save the one. What they mean is not when a farm is too highly rented to hand it back to the man that let it at that rent—it is not to undo the bargain—but the advice is, "keep both—land and rent alike—for yourselves, be loyal to yourselves, keep that which was let to you, and keep the price, or as much as you choose of it for yourselves and your families, and when you have thus brought the landlords on their knees, let them go and seek in London for protection and for justice." It is idle, I think, to detain intelligent and honest gentlemen, such as I see before me, by any argument as to the legality or even decency of propositions like these. You will hear, gentlemen, from the judges whether such agitation is legitimate. You will not take the law either from me or from my learned friend beside me. The Court will instruct you whether a forced reduction of rents by keeping the land—holding a firm grip upon it—and, at the same time, paying off the landowner by a proportion of his debt, carrying out this system of dishonesty by force of an organization like this, furthered by local organizations in every district—you will hear whether such action is lawful or not. And then I would appeal to your own intelligence, to your own good sense, can you understand how, except by preconcert, it happened that these fourteen gentlemen—speaking at the same time in different parts of Ireland—all agreed in preaching the same doctrine, and preaching it avowedly in furtherance of what they all say are the principles of this Irish National Land League in Abbey-street—namely, that the mode in which rack-rents are to be brought down is by the tenants insisting on keeping the lands and paying no rents but what they like. No other means is suggested throughout all the speeches that will be laid before

you except the one—that the Land League, or the tenants themselves, shall settle how much of the rent shall be paid.

At this stage the Court adjourned for half-an-hour for luncheon, and on re-assembling,

The *Attorney-General*, resuming his address, said—Gentlemen, I have just disposed of one, and I am happy to say, the longest series of extracts that I was obliged to read to you, to show the perfectly harmonious teaching of all these defendants, and thereby how they must have agreed upon it before they undertook the task. I need not tell you that it is unnecessary to prove by evidence that any formal agreement, had been made by them to do these things. It is quite sufficient for us to show that they concurred and united to effect the purposes charged. Now, the best evidence of their unity of design is how they spoke; and if there was any necessity for showing that they had a further common bond, that could be at once supplied by referring to their foundation of this body called the Land League, for the purpose of carrying out their common principles. Now, the reduction of rent, as they expressed it, or as might more correctly be said, the inducing of the Irish tenant not to pay that which by law and contract he is bound to pay, is the object of one of the conspiracies charged by the information. It is charged in two ways. It is charged that the defendants for the purpose of injuring the landlords, conspired to prevent the tenants paying their full rents, and endeavoured to effect that not only by persuasion or solicitation, but also by the alternative mode of threatening and deterring them from so paying their rents. And, further, that they sought to effect these objects by the promotion of subordinate combinations, formed at their instance in different parts of the country. Now, of these charges you will, I think, have ample evidence, if you are willing to believe the traversers themselves. Well, gentlemen, supposing they have succeeded in enforcing this doctrine, that tenants are not to pay their rents, and that the landlord is obliged to take legal means to enforce his rent, that he has brought his action, and that there is no defence, for as yet the offer of part of a debt is not a payment of the whole, judgment must follow. What may obtain under the Parnell *regime* I cannot say. I would, however, advise all persons to stop giving credit before the new system comes into operation. As I said, the landlord must get judgment if he takes proceedings, and the next thing is that a writ of execution is put into the sheriff's hands, which, as you are aware, he is obliged to enforce against the debtor by seizing and selling his goods. Now, the way the defendants and their confederates are charged with attempting to meet this state of things is by pressing on the tenants to combine, and get their neighbours to combine, to render fruitless the sale of the goods thus seized whenever the sheriff attempts to sell them. Accordingly, we find that in the resolutions—one of them moved by Mr. Egan, at a Land League meeting, and in the presence of his fellows in Abbey-street,—it was proposed that there should be combinations formed throughout the country to prevent the sale—that is to render fruitless the sale—of goods seized by the sheriff for rent, and the same doctrine is preached in various parts of the country. For example, on the 11th August, at Killorglin, Mr. O'Sullivan, the assistant secretary of the League, tells the people—"In Cork, on last Sunday, we pledged the people never to buy the goods or produce of a farm from which a

tenant had been evicted, and which had been sold for rent." Now, a writ directed by this or any other court to the sheriff requires him, by virtue of his office, to realise by sale the fair value of goods, and I take leave to tell you, under the correction of their lordships, that a combination to defeat the purpose of that writ—by preventing the Sheriff's realizing the fair value of the goods of the debtor, and thus defeating the administration of justice, is an illegal and criminal combination. Mr. Biggar also, at Dungannon, on the 1st November, declares that this is one of the objects of the Association. "First of all," he says—"a landlord brings an eviction, or brings an action for rent, defend it in a court of law—then you have been beaten in a court of law, and he seizes the crop for an unreasonable amount of rent"—I suppose that means any amount of rent—"take care that none of you yourselves buy, and take care as far as possible, that no one else bids for the produce of that seizure." You can easily understand the significance of telling a strictly organised community—organised not only for the purpose of not buying themselves, but for the purpose of preventing others buying—telling them to take care that nobody else buys at a sale of goods for rent. It means this—to put it shortly—"Boycott him"—treat as an outlaw and a traitor any person who transgresses the Land League code, and dares to bid at such a sheriff's sale. You will find stated in one of the defendant's speeches the great success that attended the operations of the League in this respect, and the instances are accordingly held up for public imitation. We are told that in some place—I think Sligo—probably near Mr. Sheridan's, at Tubbercurry, cattle were seized and offered for sale for the purpose of realizing the demand for rent—a legal demand, for which judgment had been obtained, and which was enforcible by law. The Local League, I suppose under Mr. Sheridan's advice, attended the auction, and succeeded in preventing any person from bidding, so that as they tell us the cattle were bought in either by the tenant or one of his friends for 4*s*. 6*d*. This was regarded as a considerable success; and accordingly this defeat of the law is held up for public imitatiou at several subsequent meetings. Well, suppose a landlord should fail in getting his rent paid in this way, he has hitherto been under the delusion that he could get his land if he could not get his rent. He may have bought the estate in the Landed Estates Court or elsewhere in open market, and has so bought under the impression that if the tenants did not pay their rents they could not keep his land. But now that the Land League precept has been sufficiently inculcated, that the tenants need neither pay the rent nor give up the land, the landowner is forced to bring his action of ejectment. Well, the next charge we bring against them is, that they conspired to incite the people to resist eviction; and you will find that this has been inculcated by several of the traversers as part of the Land League doctrine. Thus, on the 8th August, at a place called Keadue, Mr. Sheridan, of Tubbercurry, tells the people what they are to do when an eviction is about to take place.—"If this be attempted by any officer of the law, let your arrangements be, away to the chapel bells and the church bells when the eviction is going to take place; let there be horns in every parish; let men and women assemble there and keep the people in their homesteads, and the Legislature will then see that it is necessary to act in conformity with those ideas. We are the people"—that is the Land League are the people—"we are the nation; we are the strength and material that constitute the nation; and are we going to be trampled on like worms?' No (he might have

added), on the contrary, we are going to trample on other people, which of course is a much more agreeable occupation. Mr. Dillon, at Kildare, on the 14th August, says, "secondly, we must insist that no man or woman shall be put out of his or her farm. No evictions shall be in Kildare." It is not to make the least difference that the rents are moderate; the rent may be as reasonable as you like—but still there must be no evictions in Kildare. Mr. Walsh, at Kiltulla, on the following Sunday, the 22nd August, says—"Whenever a tenant is evicted I want the tenantry to go to the landlord and say, "We will not pay you one penny of rent until you reinstate that man." Again, Mr. O'Sullivan, on the 5th September, at Dooneen, addresses the people there, and says—"You are now assembled with the firm determination that no eviction shall ever take place on the plains of Boyle again." The bells, I suppose, are to be rung, and the horns blown, and the people are to come down in force and keep the people in their homesteads—not by altering the law of eviction—not by giving security of tenure, or anything of that character; they are not to look to the Parliament or legislation for effecting an alteration of the law. It is simply that the Land League decrees there shall be no eviction. On the 5th September, at Ballinagleragh, Walsh again tells the people there—"I ask you, as I asked the people of Tipperary a short time ago. If a tenant is evicted the people should fall in, in military procession'"—he is particular about the manner; it is a significant mode of paying a visit this, by military procession—"and march to the landlord's door, and tell him you will not pay one penny of rent until that tenant is reinstated." Now, is there not a wonderful harmony observable in all this? Then, again, Mr. Gordon, on the same day, at Caherlistrane, cries—"I ask you to proclaim here before the world—before the eye of the Government—that you will hold a firm grip of the harvest, and resist the robber"—that is the man who has the audacity to ask for his land—"The law says you are to preserve your homes from the night robber, and I fail to see any difference between the land robber and the night robber." So he says at Kilconly on the 19th September—"The Land League will protect you in the hour of your need—even if the landlord will enforce eviction—I will ask you again to proclaim here to-day, as honest men before God, not to give up your land without a struggle"—and then there were voices which cried, "Not at the point of the bayonet." Do not give up your farm without a struggle. Well, this has not been heretofore a usual form of instruction to the people; nor has it hitherto been defended on the ground of legality. On the 3rd October also, at Abbeyknockmoy, Gordon says—"Do not ever leave your home except at the point of the bayonet." And Mr. Harris, at Loughglynn, on the last day of October, says, addressing a supposed evicting landlord—"These things I call my own. I stand here like a man and defend this house of mine, and these children of mine, and woe be to the tyrant who dares to come and disturb me." And all this, gentlemen, is called constitutional agitation, and the promotion of free discussion! I think, as Mr. Dillon says, "the time for argument was supposed to be passed," and the time for the bludgeon to have come. Such, however, is the uniform teaching of these confederates on this particular point.

The next thing to be considered is this:—Suppose the tenant is evicted, what is the advice given by these Land League orators to the evicted tenants? Why they encourage them and actually pay them as you learned from the extracts I gave you yesterday, out of their proceed-

pledge—whoever is base enough to do it, will be politically excommunicated'"—I suppose he meant also *socially* excommunicated—"'as the greatest enemy to the welfare of his country.'" Mr. Walsh, on the 18th of July, the following Sunday, at Dooleage, tells the people how to treat a man who dares thus to take a farm because it happens to suit him. For there is the charm of this modern system—these Land Leaguers are so fond of liberty, that they want to keep it all for themselves, nobody else is to venture to think for himself, or dare to do what he likes. Such a man is to meet very short and sharp treatment. Mr. Walsh tells his hearers to "point the finger of scorn at any man who will be guilty of such an act as to take a farm from which another had been evicted." He continues, "I will go further and ask that you will not speak to him on the road; that you won't sit on the same side of the church with him—in fact, that you will look upon him as an enemy of the Irish race"—and be dealt with accordingly, I suppose. "The Irish National Land League is determined to carry on this land war, in which we are engaged, until we succeed in abolishing landlordism." So Gordon, at Milltown, on the 25th of July, the following week, says, "Now lay your hands upon your breasts and say, if the land you have been working on were taken from you to-morrow would you not harbour revenge in your bosom. I say let there be no scoundrel among you to take that land. Look upon him who would do so with scorn and contempt; do not buy from him, or sell to him. Have the curse of God on any man who would take the land of his neighbour." No matter whether the land was given up because the tenant choose to turn to some other mode of life, or because the rent was too high. "Let no man take the land of a neighbour," under the penalty of his being pointed at with the finger of scorn, and dogged and hooted from fair and market. "Let no man speak to him, let him be treated as an enemy of the Irish race, and let the brand of the curse of God be upon him." "Allow," says Gordon, at the same meeting, "the grass to grow upon that farm, and let it wither; let no man be allowed to cut it." No man is to be allowed even to work upon it. No honest man who wants to earn a day's wages by his labour, is to be at liberty to do even that without incurring the vengeance of the Land League. He continues, "Let no man be allowed to cut it. We will watch"—we know what *that* means,—"we will watch every man who dares to take a scythe to cut it." The meaning of that was fully appreciated by the audience, who immediately—in answer to the declaration, "We will watch every man who will dare to put a scythe to it,"—cry out—"We will cut the hands off them. We will cut the arms off them." That is exactly what the remark meant of "watching" the man who would dare to do disobey the Land League orders. Mr. Walsh, also, at Frenchpark, on the following Sunday, the 3rd of August, says, "Should any man be so unfortunate as to be evicted from his holding, let the land be waste; and should it be taken by some bailiff or hanger-on, do not recognise him, do not speak to him, but treat him as the enemy of the Irish people." The force of which the audience at once recognized, and added, "Give him a ball." Yes, a bullet is the fit accompaniment of this teaching—such is its obvious tendency, and so the audience understood it. Yet this is all pretended to be merely "moral pressure"! I should say that it was immoral and criminal pressure and most intolerable tyranny. Then, again, Mr. Nally, at the same meeting, at Frenchpark, encouraged, no doubt, by this reference to bullets—which, you will remember, he calls "pills,"—tells

the people to "unite" and "organize," and to say this, "If that field is unoccupied on account of rack rents we will have nothing to do with it, and we will shun the man who will take it, and look upon him as worse than the soldier who pierced Christ upon the Cross." There you see is a little blasphemy introduced in furtherance of this "new gospel." Mr. Boyton, the organiser, at a meeting at Mullinahone, on the 8th of August, the Sunday following, speaks thus of the man who commits the unpardonable crime of taking a vacant farm that suits him—he may be the next tenant, the land may be good, and it may be most desirable for him to get that particular farm—but according to this new doctrine of liberty he must not do it. Well, Boyton says, "We, the people, are determined that we will make the name of 'land shark' and 'land grabber' as odious as ever was the name of 'informer' in Ireland." We know what *that* means. And he goes on to say, "It were better for the man who will hereafter be found to even think of betraying the people's cause, it will be better for him that he had not been born, for though we might not answer for his miserable life, the contempt and the infamy that attaches to the committing of treason against the people's cause, will be handed down to his children's children." Again, on the 22nd August, at Kiltullagh, Walsh asks the people for a pledge. "I want a pledge from you, that if anyone is mean enough to take the land from which another is evicted"—no qualification you will observe—"you will not recognize him in the public market-place, or at church on Sunday, that you will not buy from him, nor sell to him, and in fact that you will look upon him as the enemy of his country, and that you will leave his corn uncut, and himself to wither under the people's curse." There was a meeting on the same 23rd of August, at Ballingarry, at which Mr. Boyton calls upon the people to pledge themselves "never to work upon the land so evicted, and to discountenance and denounce"—discountenancing is one thing, but denouncing is another, and a very much more serious not to say dangerous thing—"as a public enemy any man who would be base enough, and treacherous enough to sell the people by doing so. "Now," he goes on, "If there is a man who entertains in his heart, even an idea, that in the face of this pledge, and of the organization existing in Tipperary, that he will be allowed to go along after taking his neighbour's farm, I tell him that there is a black cloud in the sky which he knows nothing about." Yes—if he thinks he is to go quietly along the road, and pursue his business in peace. Mr. Boyton significantly warns him the organization is too strong to suffer that. There is a black cloud hanging over him, that may burst upon him some day in sudden flash and sharp report, and teach him that he is not to commit the crime of doing what suits himself, unless it happens to have the sanction of the Land League. All I will say, gentlemen, is, that if this be permitted, there is an end to all individual liberty in the country—the members of this organization will extend their terrorism to every act, through every relation of life, and prevent every one they choose from doing what he is by law entitled to do, and that no matter how important or even necessary the act may be. However, I pass on to the 29th of August, when there was a meeting at Manorhamilton, at which the traverser, Sheridan, said:—"Anywhere a landlord evicts a man from his home, let no man dare to bid it. If any wretch should be low or mean enough to do so, whether it be at the church or chapel, point the finger of scorn at him, and bring him into contempt, cry 'shame' at him, and point him out to everyone as an unclean animal."

Now, gentlemen, I take leave to tell you, under the correction of his

lordship, that a combination formed to follow a man and hunt him from place to place, pointing the finger of scorn at him, and holding him up to public odium, is criminal and indictable—nay, any single person doing the same would commit an offence. We have all a right to proceed on our several callings unmolested; and this system of dogging a man and holding him up to public scorn and contempt carried on by a joint stock company, got up for the purpose is simply intolerable. Mr. Sheridan proceeds—"By this you will establish what you are in perfect ignorance of." It would have been happier for them had they remained in ignorance of it up to the present time. "Let the people be as one unanimous and true to the national trust; let every man discharge his duty—his Christian duty—to his kind." This is another illustration of the "new gospel." It is now erected into a point of religious duty that whenever a man does not do what the Land Leaguers like, they are to pursue him from place to place, from fair to fair, from market to market, to point the finger of scorn at him, to point him out as an unclean animal, and hold him up to public execration as a mark for probable outrage. "If any wretch should go and do what is so strongly condemned on this platform here to-day, he will feel his own life a burden to him." So, Walsh, at Ballinagleragh, on the 5th of September, asks the people not to speak to a man who takes an evicted farm—"I ask you not to speak to him, not to buy from him, not to sell to him, or to recognise him on the public market-place, or street, or to buy even from the shopkeeper with whom he deals." There is a further development of this "new gospel. You are not merely to persecute the man—which might well be thought enough—by hunting him from fair and market, and making his life a burden to him, but you are also to persecute and destroy the business of any shopkeeper who ventures to give him food. "Do not interfere with him, but treat him as the enemy of his country,"—and we know how public enemies are generally treated. "You must not reap his corn or dig his potatoes. Leave his corn uncut, his potatoes undug, and himself to wither under a nation's curse." Mr. Brennan, the secretary, speaking on the same day at Clonmacnoise, in the King's County, says, "Above all, and before all, you must refuse to take a farm from which a man has been evicted. Let that farm remain waste; let the grass rot upon it; let the crops rot upon it; and if any man is found to take it, or even work upon it, there are a thousand and one ways in which you can punish him." Yes, just as various as all the forms of mischief and cruelty are the Land League modes of punishing any transgressions of their law. Mr. Brennan is manifestly a young man of considerable ability, and I hope he will yet learn that in any civilized country the law must forbid as criminal what he considers quite lawful, or life would become miserable, and society be soon reduced to chaos. He proceeds to say—"I look upon this as an educational movement that is necessary to teach the people their rights." Then it is a right to persecute your neighbour—it is at once a Christian duty, and an absolute right, according to this modern dispensation, that you should do so. He continues—"And as long as we teach nothing that is degrading or immoral"—I should rather say that this partakes both of one and the other—"As long as we do not interfere with any other branch of national labour, then I hold that it is entitled to the support of the Irish people; that it is entitled to support in the name of nationality and humanity; and in these sacred and holy names I ask you to endorse to-day the principle and to accept the policy of the Irish National Land League." So that, gentlemen, it is to be henceforth our duty, in the name of

nationality and humanity, to make our neighbour's life a curse to him whenever we choose; "and (says Mr. Brennan) in these sacred and holy names," and he might have added, "in this sacred and holy place," consecrated by the blood of saints and martyrs, who centuries ago there taught the precepts of real Christianity, "I ask you to-day to endorse the principles and to accept the policy of the Irish National Land League." I wonder did it make those saints and martyrs turn in their graves to hear such doctrines preached over their remains! "Gentlemen," he proceeds, "I have hardly alluded to my subject, and the reason is that we have made such progress with this movement that the time is at hand or near at hand when no man shall dare to take a farm from which another is evicted; for the man who takes a farm from which another is evicted will not only be looked upon as a black sheep, but as an abomination of abominations. No decent man will marry with his family, and he will be looked upon as false to his country and to his religion." It is the first time that I have heard that the religion of any Christian body inculcates the persecution of your neighbour. It used to be supposed that the manner in which we should deal with our neighbour, was to do to him as we would like him to do to us. It was not supposed in old times that it was a tenet of Christianity in any of its forms, that if a man disagrees with you in opinion you are to make his life so miserable that he would rather die than live. Strange things sometimes happen, and strange things it would seem are happening just now; but this precept I think is more likely to be taken from the doctrines of the French Commune, than from those of the Irish saints and martyrs who taught at Clonmacnoise. Mr. Nally, at Cooneal, the following week, on the 19th of September, proposes apparently in his own formula a resolution on this subject for the acceptance of the meeting. It runs thus—"That no man shall take a farm from which a tenant has been evicted, for an unjust or unfair rent, or in any other way violate the principles of the Land League"—not even to the extent of feeding a man, or giving him a piece of bread, if he should venture to take a farm from which another has been evicted—"and we consider any man who dares to take a farm from which another has been evicted, or which has been surrendered for the non-payment of an excessive rent, is an enemy of the people"—and then he adds his own blasphemous expression—"and we look upon him as worse than the robber soldier who pierced Christ upon the cross." On the same day the same principle, though in more guarded, and I must say, more decent language, is inculcated by Mr. O'Sullivan, at Riversville. He tells the people there—"You know your rights, and you know you have nothing to do, but in cases like this to assemble and denounce the land grabber if he does not give up the farm"—cries of "Maim him—shoot him!" Of course anybody with an ounce of brains in his head—and these gentlemen have plenty—must know that the necessary effect of all this teaching addressed to vast assemblies is to excite the people against those who are thus described as enemies of the human race—traitors to their country, and worse than the robber who pierced our Saviour on the Cross—and that outrage will quickly follow. Accordingly here we have the responsive cry of "Maim him, shoot him." Mr. O'Sullivan then says, "No, do not speak to him at all. If he goes into the chapel, keep away from him; make a ring round him that everyone may see him—(you know what is meant by that)—do not buy from him nor sell to him, and after a little time he will be very glad to give up the farm and go

back into honest life again." Under significant treatment like this he will become conscious, as one of the other defendants said, that there is a "black cloud hanging over him," and he will be glad to go back before it bursts. We have, as Mr. Biggar says, an exceedingly powerful organization, and exceedingly powerful means of effecting the objects we desire. The black cloud is a last resort. It need not burst if not necessary, but if the necessity arises, as Mr. Boyton, the organizer of the League, says, "God help the man who dares to keep that farm."

Well, gentlemen, Mr. O'Sullivan, at this same meeting, proceeds to say, and seems to take credit to himself for not using stronger language —"I will not say, in the words of the poet (he does not give the name of the poet) may earth refuse him a home, and heaven its God." No, he does not want to go so far—not because it would be blasphemous or heathenish; no, but "because it would be giving too much importance to him." If the man were worth it, Mr. O'Sullivan would adopt the words of the poet, and pray that earth might refuse him a home, and heaven its God. But he is not worth that. "I would rather let him be amongst you as a marked man—a man on whom every man will look as if t-r-a-i-t-o-r was marked with a brand on his forehead." Yes, the Land Leaguer would send him out into the world with this brand upon his forehead—an outlaw deprived of all protection—and trust to some power, I won't say Providence, for the rest. Well, gentlemen, this brings us down to the middle of September. On this same day, the 19th, on which we have these specimens of the teaching of Mr. Nally and Mr. O'Sullivan, Mr. Parnell, I think, made his first speech in Ireland after the Parliamentary recess. He appeared at Ennis, and the way in which he described and dealt with the traitor who would take a farm from which another person had been evicted was on this wise—"Now (he says) what are you to do to a tenant who bids for a farm from which his neighbour was evicted?" Various shouts of "Kill him," and "Shoot him" are recognised, the natural consequences, no doubt, of what was going on all over the country. "Now (Mr. Parnell says) I think I heard somebody say 'shoot him.'" "Shoot him," the hearers cry out again, fearing, I suppose, lest Mr. Parnell should make any mistake about it. "But I wish to point out to you (says Mr. Parnell) a much better way, a more Christian and a more charitable way, which will give the lost sinner an opportunity of repenting. When a man takes a farm from which another is evicted, you must shun him on the roadside when you meet him, you must shun him in the streets of the town, you must shun him at the shop counter, you must shun him in the fair and in the market-place, and even in the house of worship, by leaving him severely alone, by putting him into a moral coventry, by isolating him from the rest of his kind, as though he was a leper of old. You must show thus your detestation of the crime he has committed, and you may depend upon it if the population of a county in Ireland carry out this doctrine, no man will be so full of avarice, so lost to shame, as to dare the public opinion of all right thinking men within the county and to transgress your unwritten code of laws"—that is the edict of the National Land League in Abbey-street. Well, I should think that if the population of every county in Ireland should be, as they are recommended, strictly organised, ready to show what stuff they are made of, regarding with black looks any man who dares to take an evicted farm, shunning him on the roadside, in the fair and market-place, in the street, aye, in the House of God, spurning him as a traitor with a brand on his brow, isolating him from his kind as if he were the

leper of old, and even forbidding anyone to supply him with bread, I think, gentlemen, this would be found quite sufficient for its purpose, and no man would be brave enough to take a farm under such circumstances. But is such a state of things as this to be tolerated in any civilised, aye, or uncivilised country? What is the use of law except to secure to every man in a free country, to the fullest extent, his individual liberty? And who are these people who attempt to direct and dictate as to what farm a man shall take or not take? Is all personal freedom to be overridden to enable these defendants to carry out their criminal and wicked purposes? The attempt is monstrous, illegal, unchristian. It is grossly immoral, and cruel, and destructive of all the comforts and charities of life. And yet this doctrine is preached in the name of humanity and Christianity!

Well, gentlemen, on the same day, at the same meeting, Mr. Sullivan, of the *Nation*, calls on the people to stand to each other like brothers—"Follow the advice that is just given to you by Mr. Parnell. Leave those evicted farms to grow thistles and rushes, and if any man is base enough to go in on them, shun him." Here again, gentlemen, the people cry out, "Shoot him." Mr. Parnell's admonition had just that much effect, as, indeed, might be anticipated by anyone with sense in his head. It is all very well to say, "Don't shoot him." Treat him as a lost sinner, as a man guilty of the greatest crime, but don't shoot him. The effect of such mild deprecation of murder is at once shown by the way in which the succeeding speaker is received, and accordingly his cautious expression of "Shun him," is at once translated by the excited mob into "Shoot him," as being the vulgar equivalent. But Mr. Sullivan goes on to say—"Let him be an outcast amongst you, and his life be a life of shame, and a life of misery. Let the shame attach not only to himself, but to his children, aye, and to his children's children." A happy reflection for the League to think they have been instrumental in producing this fearful misery for a man living in a free country. On the 3rd October, at Abbeyknockmoy, and on the same day at Cork, similar doctrine is preached. Mr. Gordon, at Abbeyknockmoy, tells the people—"I will tell you what you are to do with him. Treat him as if he were a mad dog; that is when he appears in the village, let every man in the village hulloo after him, and cry mad dog until he goes to the nearest pond and drowns himself." I wonder how Mr. Gordon would like to be hullooed after wherever he appeared, to be treated as a mad dog, and hunted into the first pool or river. "Don't speak to him—don't speak even to his wife and children, and if he goes into a chapel, let him go into a corner for himself. Be respectful to your priest, point out the land shark to the priest. Let him die as I said about Castlereagh. He first betrayed his country, and when England had no further job for him to do, he went and cut his throat." On the 3rd October, at Cork, Mr. Parnell attended a large meeting. There was also another there, not one of the present traversers, but a member of the Land League, Mr. Arthur O'Connor. A Mr. Enright, too, spoke to a resolution previously moved, and in Mr. Parnell's presence he used these words—"I beg to second the resolution proposed by Mr. O'Hea, of Skibbereen, and if any tenant has the presumption to take a farm from which another has been evicted, I would put him into the hands of the honest crowd here." Immediately is heard a voice crying, "We'll kill him." That was the summary mode of procedure the people thought to be indicated. But Mr. Arthur O'Connor proceeded to say—"If you stand by us

your victory is assured; not our victory, but yours. But if you do not, you will furnish our enemies with the strongest argument that can be brought to bear against us." Thereupon the crowd shouts "We will go to the point of the sword with you." Mr. O'Connor takes no notice of this little explosion, but goes on to say—"What you have to do to put down eviction is to show the landlords that eviction, even for them, won't pay, because the evicted farm from this day forth shall be left to the crows, for no man shall touch it."

On Sunday, 10th October, at Athy, there were four meetings held. In Tipperary, Mr. Dillon appeared; in Kildare (Athy), Mr. Boyton spoke; in Galway, Messrs. Nally and Gordon; whilst Mr. Biggar appeared in Kerry. Mr. Boyton, at Athy, addressed the people thus:—"We will show you how we will settle the land question." That is how the Land League, of which he was the organizer, would settle it. "Already a dozen model farms exist in the county Tipperary. They are model farms, because they are standing there a living witness"—curious figure of speech under the circumstances—"that the landlord dare not till the land, and cannot get a living man to strike a spade or plough into it, and he dare not, he is too cowardly, to go there and till it himself. What has brought about this condition of things? Intelligent organization. In the portion of Tipperary I refer to as being organized, there is no living man who would even dare to think of taking a farm from which his neighbour had been thrust out. In fact, under no circumstances there to-day would a man take a farm from which another had been evicted justly or unjustly." I told you, gentlemen, there was no limitation to the tyranny of this body called the Land League in rendering any man's life intolerable, as long as he might be allowed to keep it, who ventured to act against their wishes. You see accordingly that the circumstances of the eviction are regarded as immaterial—it may have been perfectly just—there may have been no harshness—but still the man is to be excommunicated and outlawed who dares to go in on a farm from which another had been evicted, whether justly or unjustly. And yet this is pretended to be a lawful, constitutional, and innocent agitation; it is said there is a healthy public sentiment in it, which the speakers suggest should be promoted and fostered; for until that healthy sentiment is made universal over Ireland, the Land League millennium will not be reached. All I will say is that when that millennium does arrive, God help the man who happens to differ from these missionaries of the "new gospel." Mr. Dillon, at Templemore, the same day, adopts this healthy sentiment. He tells the people to be united, and if the landlord refuses to accept what is offered, persist that you won't pay more. "If he serves notices of eviction, then report the case to the Land League in Dublin, and we will have it out with him; and if he evicts any man, looking at this meeting here to-day, I believe that on this and the surrounding estates, so far from adding to the rental of his estates, he will have an idle farm on his hands, he will have on his hands what I have heard described as a model farm, that is a farm that no living thing will go upon—to show the power the public opinion of the people is." Yes—the public opinion, which on every occasion that it gets the chance at one of these meetings, expresses itself in the cry, "Shoot him; kill him; maim him; down with him." That is the public opinion; that is the "healthy public sentiment" which, according to this new gospel of strife and contention, it is desirable to promote and establish in Ireland. Fortunately, as yet the law takes an opposite view. The law in this free country is based on the idea that every man may do what he pleases, pro-

vided only that it is innocent, and doesn't conflict with the equal rights of others. Again, at the same meeting, Mr. Dillon says—"Then, when a man sets himself against the rules of the League, and takes a farm from which another has been evicted, the way to deal with him is this" —"Shoot him" the people cry. They cannot even wait for the speaker to explain the way the transgressor was to be dealt with. They jump to the most effective conclusion. "Kill him." Have you not told us he is worse than a public enemy; have you not compared him to the robber that pierced the heart of Christ? Is he not a traitor to his country? Why then not shoot him at once? "No," Mr. Dillon says, "I would not injure any man; but the way to deal with him is this: Don't have any communication with him at all; don't allow your children to mix with his; don't speak to him; have no dealings with him; neither buy nor sell with him; show in every way you can that you regard him as what he is—a traitor to his people and to his country, and a friend to the oppressors of his people. Believe me, if you keep up that system for a short time, it will be far more effective than if you shot him, because"—— There is always a reason given for abstaining from shooting the man at once—not because shooting is murder and a crime from which even savages shrink—no, the reason he assigns is that this excommunication would be far more effective than if they did shoot him, "because no man then can be punished for it." According to that, if there was no punishment for murder, shooting would probably be more effective and desirable. The reasoning is curious. Excommunication is more effective than murder, because no man can be punished for such a deed. Now, if you make a man's life so miserable that he would rather die than live, it is not to be supposed that the law is so absurd as to regard that as perfectly innocent, whilst it makes killing him a capital crime. "Believe me, if you keep up that system," Mr. Dillon adds, "you will find he will give way to the force of public opinion, and hand back the farm, as many more have already done, back to the rightful owner." The rightful owner, according to Mr. Dillon's views, is not the man who may have bought the land in the Landed Estates Court, nor the man who may have taken it when another would not pay a fair rent, but the man who was removed from it by due legal process, because he could not or would not pay the rent, or who perhaps gave it up voluntarily, without legal process at all.

At Clerhaun, in Galway, on the 10th of October, we find Gordon and Nally again. Groans had been heard at the name of land grabber. Mr. Nally says—"Groaning is nothing at all. Take him quietly away. You know where to put him." This is a gentleman who is retained from time to time for promoting the organization of the Land League, assisting in forming new branches, and inculcating its principles. When his sentiments are reproduced in public court, it may be found convenient to say, don't mind him. The defendants, however, did mind him, and use him as long as they could to promote this modern gospel which the leaders no doubt preach in less offensive and more guarded language. Mr. Gordon was talking about moral pressure, which Nally thought was nonsense, as probably every man there thought it was, and accordingly he suggested that the shorter way would be to "take him quietly away," they knew where to put him. Mr. Gordon told his old story of the soldier who would neither beat nor tease, but give a bad name, and cry after the dog. "Halloo mad dog after the land-grabber. Have no communication with him. If he have a shop, let you shun him as you would the devil." Well, but Mr. Nally resumes—he has the field now

to himself—"I say now, once and for ever, away with resolutions, away with speechifying, away with anything, but let them get in; but let each and every man in the village from which a farm has been taken, let him come for the pills, and the pills only." A Voice cries, "Holloway's ointment." "That is too mild"—says Mr. Nally.—"When the pills will go they will want no ointment. I know there are amongst the crowd here land grabbers, land thieves, worse than landlords—give him pills." Yes, this might be amusing if it did not mean murder. While the leaders of the movement don't feel apprehensive of murder themselves, they don't see any harm in treating as an open question the murder of those who don't agree with them. Well, then, Mr. Nally goes on—"What about John Tully—is he a land grabber? What about another man named Keane? Where is he? Many a good son reared a bad father." I am not answerable for Mr. Nally's oratory. He has not the education or the same practice in speaking that some of his brother conspirators have. It is very well now to laugh at a man like Nally, but remember he was for many months used by the traversers to carry out their objects, and after holding up individuals to execration and even murder, is retained and kept on the staff still to do their work elsewhere. Some one in the crowd cried out, "We have another named Hackett." Mr. Nally then says, "Well my friends and fellow countrymen, I had a few words to say." Yes, words of terrible significance. "I want to tell you, do you like to unite and organize? Our meetings are like a drop of water on the ocean unless you get the pills." That is the mysterious black cloud which hangs over every man that dares to disobey the mandates of the Land League, the preachers of this new gospel invented in Abbey-street for the regeneration of our country. Yes, murder is the "black cloud" that hangs over all who dare to contravene what Messrs. Parnell and Company lay down as their law, unwritten indeed, but meant to be mercilessly enforced—life made miserable for a first offence—murder probably for the second. So at least Mr. Nally seems to say, whilst he objects to much time being lost with the milder discipline. Mr. Biggar, at Castleisland, on the same 10th of October, says, addressing the local Land League, "You can take care that the land will be of no value to anybody else, you can take care that the cattle shall not be cruelly treated; the fences you know will fall down, and there will be no benefit in having that land; these are the means you can take." It was then related how a farmer took the produce of an evicted farm to the Limerick market, but could get no buyer. He then proceeds—"You can take care that all these will be marked men, and shall suffer instead of gain." Now, if good care is taken that a man shall be a marked man, walking about with traitor stamped on his brow, and a black cloud impending over him, I can readily believe that he will not stay there very long. If he does the cloud will break. If he says he will disappear, of course, you won't hurt the cattle—it is never done, but the fences will fall down in some mysterious way, the cattle will stray on the railway, and perhaps be killed. You can take care at all events that the land will be unprofitable and waste—and worse than waste.

We find, gentlemen, that Bantry is visited by some of the central body on the 17th October, and they discuss there for the benefit of the people how a man who takes an evicted farm should be treated. Mr. Walsh and Mr. Healy are there. Well, says Mr. Healy, "The next man who is evicted, you will do something for him, and when he is evicted, you will go to the Land League and hold a meeting on his farm,

and we will dare any man to take this farm." Mr. Walsh follows, and says the advice of the Land League is—"That you refuse to work for these men, that you refuse to recognise them in the public street or market place; that you refuse to recognise the shopkeeper that supplies them with goods, that you will not allow your children to mix with theirs, that you will leave their corn to wither and their potatoes undug." On the same day Mr. Sheridan, at Cararoe, in Galway. says—"If any wretch should be found in the community base enough or low enough to take a farm which has been thrown up from inability to pay rent; if he goes to fair or market, hiss him, hoot him." I venture to tell Mr. Sheridan that it is an utterly illegal course. No man has a right to follow his neighbour, and hiss him or hoot him in fair and market. But when an association is got up for the purpose of doing it, no matter what the ultimate end they have in view, it is doubly criminal and infinitely more mischievous. Well, Mr. Sheridan proceeds—"Not only hiss him and hoot him when you meet him, but if he has a shop take care you do not leave a shilling there. Do as they did in Tubbercurry the other day. The land-grabber, Farrel Caully, has cattle to sell. Is there a man in the place to buy them? The cattle were left unsold, and Caully had to go into his rat-hole. You cannot, except constitutionally, resist this." I hope, constitutionally, we shall resist it, by putting the law in force against what is grossly illegal, and criminal, and destructive of all individual liberty. The notion that a man cannot go to fair or market without being hooted and hissed—that a man cannot disobey the Land League without being boycotted! "By your combined action you will break down the cursed and unholy head of landlordism in the West of Ireland." The object of course we know is to bring the landlords to their knees, make them rush to London for protection and some measure of justice! And this is constitutional agitation! On the same day at Holyford, Mr. Dillon exhorts the people: "You must stand together, and not allow one man or two men to be crushed. You must all go in the same boat, and sink or swim together, and if a landlord attempts to clear the whole of his estate let him, and we will build little cottages round about on the borders of the estate. If you stick together, I do not believe a man will be found brave enough to come in and take possession of your farms." What does he mean by "brave enough"? A man cannot take a farm in Ireland now without considering whether he is brave enough to do it. And this is all innocent! "Now, when any man is evicted unjustly, and after the Land League have declared that it is unjust to evict him, what are you to do with the farm?" For they are the judges you know, as Mr. Dillon has elsewhere told us of justice or injustice in all estate management. He tells the Irish landlords that not one of them shall be at liberty to evict a single man—not without the leave of any Parliamentary or other tribunal—but without the leave of the Land League. So, if this is lawful, any set of conspirators are at liberty to erect themselves into a self-constituted tribunal, and proclaim that no man in Ireland shall do what he likes without their leave. Well then what are you to do with the farm if it is evicted? "Turn it (Mr. Dillon says) into what we call a model farm, a farm on which no living thing can go"—that is, upon which if a living thing does go it shall soon cease to live. The object of such a model farm is to warn landlords not to be going on with evictions. He adds: "The attitude of all the neighbours to that man is to take care that he derives no profit from the farm." An association for the purpose of preventing a man in lawful

occupation of land from making any profit of his land is I venture to tell you, gentlemen, illegal and criminal. But he proceeds:—"Do not assist him as a labourer—do not deal with him—do not buy from him—do not sell to him—and the result will be that the man in a very limited time will be very well pleased to give up the land to the party evicted from it. Then, suppose another case, in which the landlord takes the land into his own hands. Well, on this day week, in Kerry, I gave a suggestion—I do not know whether it is the best or not—but I would say if the landlord puts this land into crops, such as oats, turnips, or potatoes, and if his cows stray into the oats, do not take the trouble of having the cattle turned out. If he has any crop to cut, why, advise all the labourers in the neighbourhood not to take employment from him, to try to get employment in some other place, and allow the crop to lie waste, so that he will make nothing of it. Suppose his cattle stray upon the road allow them to continue to stray. Do not take any trouble to put them back." On the same day at Westport Mr. Brennan speaks thus—"You must refuse to take the farm of the evicted"—never mind whether justly or unjustly. "You must let that farm remain there idle, as a testimony to the fidelity of the people. But, should there be such a wretch in the community, found to deal in stolen goods, to make money upon the misfortunes of his countrymen, then you must visit him with the severest sentence of social ostracism." This, you see, is much better language than Mr. Nally's; but it means in the end just about the same thing, as you will see. "You must not allow your children to speak to his children; you must not deal with the baker who would sell him bread, or the butcher who would sell him meat"—general combination all round to destroy even the traders who venture to sell to this man the food by which he is to live. "You must refuse to enter a house, the threshold of which he would be allowed to cross. You must leave him severely alone, and let him wither under a people's curse." So that here we have a concatenation, a series of boycottings—first, for the original land grabber; and then, for any persons who may sell him meat or bread. He is to be ruined—ay, and besides that you are to excommunicate even the man whose threshold the offender would be allowed to cross. And all this is pretended to the deluded people to be constitutional and legal agitation.

Gentlemen, upon the 22nd October, Mr. Biggar addressed the people of Bailieborough, in the county of Cavan. I will only give you one short passage:—"When we talk (he says) about the curse that falls upon a man who commits murder, I think a similar curse falls upon a man who has the cupidity to take the land from which another has been evicted, seeing that he is an enemy of every man who lives in the neighbourhood," and no doubt the natural inference that the poor people thus addressed would draw is—"Blood calls for blood." "Whoso sheddeth man's blood, by man shall his blood be shed." And if a man who takes a farm is as bad as a murderer, the popular conclusion is not very far to seek. Again, on Sunday, the 24th October, Mr. Brennan, at Carrick-on-Shannon, and Mr. Dillon, at Clonmel, inculcate the same doctrine. Mr. Brennan says—"You must refuse to take a farm from which another has been evicted. A man that takes such a farm is infinitely worse than the man who has caused the eviction; and should such a man be found in the country, then you should visit him with the severest sentence of social ostracism. The vengeance of the people should fall heavy upon him." There is more literary skill in Mr. Brennan's com-

positions than in those of the more vulgar agitators, but I think you will see the teaching is the same. "The vengeance of the people should fall heavy upon him. There are a thousand ways in which you can punish him without violating the law." He must have a curious notion of the law. "There is no law to compel you to speak to him; there is no law to compel you to sell him goods. This, now, is the programme of the Land League." It is perfectly open for every one of you, gentlemen, each for himself, to make up your mind not to deal with a particular man—it is perfectly legal to do that; but if the twelve or any other number of you combine not to deal with him, the mischief with which he is thus threatened becomes so aggravated and intensified, that such combination is an offence against the criminal law. But Mr. Dillon, at Clonmel, tells them what to do in case of evictions—"If evictions are attempted, communicate with the League in Dublin, and it will defend the farmer in the court, and if he is defeated there and evicted, we will put a ban on the land. Call a meeting, and pledge the neighbourhood that no one shall touch it, or speak to any man who does. Then we not only prevent it being touched, but prevent it being used. If it is put to any use, some man must be employed to take care of it; let that man be outlawed, and let no man speak to him or deal with him, and you will bring him to reason very soon." Yes, his life will be miserable, if indeed it is left to him at all. On the following Sunday, the 30th of October, Mr. Biggar and Mr. Sheridan addressed a meeting at Bawnboy, in the county of Cavan. Mr. Biggar told the people not to take a farm from which another had been evicted, or abandoned for nonpayment of rent. He said the grass should be left to rot on the land—"Any tenant farmer, or any labourer who assists to take the grass from any land from which the occupying tenant has been evicted, or in any case in which the landlord has acted unfairly towards the land, is a curse to the country in which he lives, and entitled to the reprobation of everyone who knows him." In response to which the ready answer comes from the crowd—"Down with him." Mr. Sheridan, too, at the same meeting, says—"If you see such a man at church or chapel, fair or market, pass him; hate him—(probably it ought to be hoot him). Let him be a thing of loathing; a leper so unclean as not to be fit to be touched, or associated with, by any of his fellow men. If he has cattle to sell, let no man bid for them; or cattle to buy, tell the unclean wretch to move away from you. If he has potatoes to dig, or stubble to dig, or corn to cut, or anything else, let him go out and do it himself. If he has a shop, and offers goods for sale, let no man, who has respect for God or country, leave a penny in the house." "Let him eat his stock-in-trade; when that is done let him go away"—if he can, I might add. It would be lucky for him if he can get safe away after that teaching.

Well, gentlemen, at Tipperary, on the 31st of October, in presence of Mr. Parnell and Mr. Dillon, Mr. Leamy, one of the Land League, made this speech:—"It is in your power to render evictions unprofitable. You may not be able to throw a man on his hands, but you can leave his farm as desolate as a tenantless grave, and if any man should be found base enough to take a farm from which another is unjustly evicted, you know how to deal with him. Do him no hurt or harm. Leave him alone, leave him to his conscience and his God. You need not buy with him nor sell with him; you need not give him a help or even a greeting. Should you meet him on the roadside, at the market-place, or even at the church door, you need not say 'God save you.'

Do not visit him in his weddings or his wakes, in his joys or in his sorrows, let him feel that he stands alone." Yes—"Severely alone," as Mr. Parnell said. "If now," Mr. Leamy continues, "that you are combining for this great and, I trust, final struggle against landlordism, any dastard should desert from your ranks to take the landlords' side, let him feel that he stands alone, a renegade against the order he has betrayed." On the same Sunday that Mr. Leamy is thus preaching in Tipperary, Mr. Biggar again appears in Leitrim, at Kinlough, and discusses the question in these words—"Then suppose the matter has gone to another step worse, suppose the tenant is finally evicted from his holding, then the Local Land Association should have its members spread through every townland in the whole country, and they will take care that if anyone is vicious enough to take this land from which a former tenant has been dispossessed, that such representations shall be made to anyone who has the viciousness to take this land, and bring such representations to bear upon him, that he will not take this land—that it will lie waste, and also will make such representation." I am not answerable for this grammar, or for the consecutiveness of the sentences, but I think the idea is clear enough, though the language is somewhat confused—"will make such representation that no man should work on the land on behalf of the landlord—such representation to all the neighbours that they would not send cattle to graze on it. They should take care also that if the land is allowed to grow in grass, that no one should win the hay and move the hay from the land on which it grew." Mr. Harris, gentlemen, attended a meeting on the same day at Loughglinn, and he followed a speaker called Grogan. Mr. Grogan said—"The man who takes a farm from which another has been, or will be evicted, is worse than a man that evicts; is a powerful weapon in the hands of the landlord; is a traitor to his country and an enemy to our cause, and should be denied recognition by every man. No man should buy from him; no man should sell to him; no man should lend to him; no man should borrow from him; no man should speak to him on the highway or byway, at mass or meeting, or even at a Land League meeting (a voice, 'he is a devil'). Every man's hand should be against him." Yes, he is to be an outcast and an outlaw, as we have been told by other speakers—"Every man's hand should be against him; his life should be made miserable, until he is obliged to surrender his ill-gotten prey." The prey, gentlemen, is the farm that the man gets on condition of paying a fair rent—for all rents are unfair according to this "new gospel." Well, Mr. Harris follows, and he takes up the same idea—tells the people that they must unite for the purposes of, as he expresses it, "tabooing" such a wretch. "Ye must taboo such a man, ye must isolate such a man. ye must leave him that he and his friends will come to their knees for to beg, to beg to be apologized for the crime they have committed against the people and against the country." And, lastly, on the 1st November the doctrine is preached, I think for the first time, in the county Tyrone, by Mr. Biggar. He tells the people there how they may deal with anybody who transgresses the Land League rules in this respect—"As far as your influence extends, take care (he says) that no one else takes land from which your friends have been evicted. I need not point out to you the means which should be used, you all know them well—"There are fifty ways—don't speak to him, don't speak to his family, hoot him." That seems to be considered quite the proper thing to do—"Hoot him, and go to the opposite side of the road, when you see him. Don't buy from him or sell to him, put him entirely in what is called Coventry, and the result will be that it will

become so unpopular in the country for any man to take land from which another has been evicted that it will in the end become impossible and it will cease to be practised. Suppose the landlord attempts to cultivate the land himself, I need not tell you that there are many ways in which you can make it uncomfortable for him. Let him sow the land himself, plough the land himself, and gather the crops himself; but take care that any man who works for him gets no countenance from any of you. In this way you will make it impossible for that man to make anything out of his land."

So this association is got up for the purpose, as they avow, of interfering with individual liberty wherever they think it desirable for the purpose of arriving at what they say is their immediate object—namely, bringing the landlords to their knees, injuring them by, as far as they can, taking money out of their pockets and rendering their lands unprofitable. This being the combination against the law which the Defendants here have formed and established. They are first to obstruct the land owner in getting his rents—to endeavour to frighten the tenants from paying their rents, and when the necessary consequences follow in a country where law to some extent still exists, that an action is taken to recover the rents they will try to make that action fruitless or defeat the eviction by reinstating the defaulter. They will encourage him to reinstate himself in his farm, and if the farm is left vacant, if, as Mr. Biggar says, the worst comes to the worst, the people can take care that means are adopted to make the life of any man who dares to go upon the farm so miserable that he would rather die than live. These are the charges laid in the information so far as that matter is concerned. Now, what is the method—the machinery, I should say—by which this is to be carried out? Well, gentlemen, you have heard over and over again, in the passages I have already read, that it is to be done by combination. Well, combination is nothing more than another name for conspiracy, if the object be hurtful to third parties. Now, that this is the agency by which the Defendants' objects were to be carried out we have abundant evidence. Perhaps, indeed, we have sufficient evidence in the parts of their speeches that I have already read to you. "Organize! organize! organize!" "Form your local associations," "stand together like men" and, they might have added, "put the law at defiance." It is all forsooth constitutional agitation—not indeed to influence Parliament—we do not care for that—we prefer to settle the question for ourselves; and, if we succeed, our principles will be found of very general application to all persons who owe money. Hitherto, gentlemen, it has been supposed that debtors were in a bad case, but under this new system the debtors will have far the best of it. Only get into debt, and then don't pay your debts, you will thus be all the richer—and, as Mr. Lalor says, "never mind the dishonesty of the question." The "new gospel" teaches debtors to effect all this by what it calls "organization" or "combination," but which under such circumstances, the law calls conspiracy. Debtors have only to determine for themselves whether they will pay their debts or not, and then call in public opinion fully equipped with its system of terrorism, black clouds included, to enforce this beneficent arrangement. Gentlemen, in order to show that the whole of this was to be effected by combination or conspiracy, I will read for you, a few more passages from the Defendants' speeches. Mr. Brennan, speaking at Cardenstown, on the 23rd May, said—"You must organize; you will not have discharged your duty, when you return to your homes this evening, unless you go back organized. The tramp

of determined men is well calculated to disturb the repose of tyrants; but you must be organized and determined; form a branch of the Land League in every part of the country." Again on the 4th July, in the extreme north of Donegal, at Carndonagh, Mr. Boyton tells the people to take up the work of organization. "This Land League," he says, "forms about the hundreth that it has been my good fortune to assist in creating within the last twelve months." This hundreth branch was founded on the 4th July; and for that accession to the organization, Mr. Boyton thanks the people of Donegal. Mr. Brennan, again, at Keadue, on the 8th August, tells the people the landlords are going against them. "The landlords are entering into a conspiracy against your rights, and you must enter into a conspiracy against their power; but you cannot have that conspiracy until you have organization. The men of every parish must be thoroughly organized and ready to act as one man, and then let the word go forward in a general strike against rents until the question is settled. We have up to this advised you not to pay an exorbitant rent. We may soon ask you not to pay any rent at all." Mr. Dillon, on the following Sunday, the 15th August, at Kildare, tells the people that if they want to put down landlordism, the only way to do it is to have an organisation throughout the country—every district should have its branch Land League, and its operations should be directed, in case of eviction, to have the rightful owner put back again. The rightful owner, gentlemen, is the man who would not, or at all events did not pay his rent. The robber is the man who inherited the land, or bought it, perhaps, last year in the Landed Estates Court. Mr. Dillon told the people of Kildare that in the county of Mayo there were many farms lying idle, and that there they should lie. "When (he added) we have enrolled 300,000 men as members of the Land League, if the landlords will not do justice to the people; we will give out the word to strike against all rent, and pay no more till justice is done." Mr. O'Sullivan, on the same day at Dooneen in Roscommon, said—"Let there be a Carraroe in every village"—Carraroe had been the scene of a noted conflict with the police in Galway—"if necessary, and a united branch of the Land League. (A voice—"We will.")—He advises the people to resist, as at Carraroe, the serving of processes of ejectment, and tells them that the Land League "has been got up to prevent people from paying any rent until the land question is settled." But, he said, "it is absolutely necessary you should organize and act like one man in this business." Mr. Gordon, on the 9th September, called upon the people to "Unite as one man under the National Land League, and swear before high Heaven that the land which God has created for you, you are determined to hold." So, Mr. Sexton, addressing a meeting at Kilkenny on the 2nd October, on the occasion of founding a local branch, said "The first work is the work of organization that is to bind together in one solid union the tenant farmers of this county; and when the tenant farmers of this county are joined with those of other counties, when we have spread these Land Leagues from North to South, and from city to city across this island, then show me the landlord that will be able to assert his tyranny." That means, of course, to assert the rights the law gives him—his rights of ownership. Mr. Sheridan, on the 3rd October, tells the people at Maam—"As you move on, band yourselves together. Organize, organize, until this great national movement has cast root in all the hills and valleys of Ireland, drawing freshness from every

place in which the Celtic blood exists, and so sure as God is in Heaven, so sure, my friends, is the day of your liberation at hand. Then I would say it is absolutely necessary that each and every one of you who already has not enrolled yourselves under the banner of the Irish National Land League should do so at the earliest possible opportunity." At Cork city, on the 9th October, Mr. Dillon, holding up the card which I had in my hand yesterday, said. "Here is the card we circulated in thousands in Ireland, and every farmer through the country has this card in his house." and on the 10th October, at Templemore, he calls upon the people of Tipperary to support the Land League, and form local branches. Mr. Sexton, again speaking at Oulart, in Wexford, on the same day, said—"Now what I want you to do here to-day, as representing the Irish National Land League"— he had been sent down as a deputation from the central body—"and, as speaking for the Irish party, your representatives in Parliament, is to bind yourselves together with bands of steel, which will unite every man of the farming class; that will leave no man, whether Protestant or Catholic, whether well-to-do or ill-to-do, out of the organization. The landlords have an organization of their own. . . . If they take to practising shooting now, we shall find that they will give the police something to do. It will be pleasant indeed, by-and-by, to find that the police are so busy with the landlords, who have given so much trouble to the Irish people, that they will not give any time to us. . . The best thing the landlords can do is to act considerately, because if they take the law into their own hands, and act upon the threat they made use of to Mr. Forster, if the Government did not protect them, I can only say to them that if they add to all the insolence they have shown to the people in the past—if they add to that—if they dare to proceed to deeds of violence to the people and their friends—I can say they will hasten, not only the settlement of the land question, but that that settlement will be preceded by a catastrophe, of which they can very little gauge the extent. Now, I am here to-day to tell you that that organization must proceed, and that the Land League looks to the county of Wexford for help. Thomas Davis said, in his famous essay on Wexford, that there was no county in Ireland fitter for freedom. He said they were slow to move, but that when once got into motion, there was no more steady motion in the world. We know what you did in '98 under the most terrible and disheartening odds. We know that the same spirit that was in your grandfathers is yours. We know that the same blood is in your veins, and the same spirit in your bosoms. We believe that the farmers who are well off in the world will not selfishly stand aloof and let the poor people fight out this battle. Neither do I believe that the shopkeepers will stand aloof —they know their lives are bound up with the farmers. It is not upon the aristocrats that they have to depend for their means of living—it is upon the bulk of the people who surround the small towns that the traders of the towns have to depend; so that if they take an intelligent view of our action upon the land question they will help you in this movement. . . . Now, I ask you to unite in this locality—spread the light in this and every other locality you know; to enrol all the farmers; prove to them that their only safety—their only hope of success—lies in the organization of the Land League." Mr. Sullivan tells a large assembly at Kilbrennan, on the same day, that he and his confederates would so organize the counties that it would be necessary to have extra police sent down to stop outrages—that is the meaning

of his language. Mr. O'Sullivan, on the same occasion, told the people that "agitation, without practical work after it, was only as a soul without a body." "You must put body into it," he says; "organize yourselves. If you do, no Government in the world can withstand you." So also at Bantry, on the 17th October, the defendant Walsh cried—"Enrol yourselves as members of the Land League, and march to its meetings with measured step and military precision."

"Go on in your masses, dense, resolute, strong,
To war against treason, oppression, and wrong."

The utterances, indeed, of Mr. Walsh at times savour somewhat of treason. But I admit I am of the old school, and not as yet sufficiently impressed with the excellence of the "new gospel." On the same day Mr. Parnell tells the people of Longford—"The National Land League of Ireland, which I represent here to-day, has not yet decided where, along this long line of march, we shall halt." You will remember that Mr. Dillon says for the present tenants may pay Griffith's valuation, if any like. "We will try it for a year." The vista was probably opening before Mr. Parnell as he spoke. The extreme limit of the demand, when the time came, must be measured by the result of their exertions during the winter. Mr. Parnell himself does not seem to have made up his mind as to what this exactly means. Perhaps we may find this out hereafter. So, also, Mr. Brennan tells the people of Carrick-on-Shannon on the following Sunday—"When we have a more extensive organization we will have a more comprehensive programme." On the same day, Mr. Sheridan, speaking at the same place, gives a very lengthy account of the moral isolation he relies upon as the principal engine for effecting obedience to the edicts of the Land League—he, in fact, very accurately describes what is now known as "Boycottism." He goes minutely into every relation of the unfortunate transgressor's life, so as to show that life under such conditions would not be worth having; and tells the people that to effect this they must organise the strength and manhood of the country, and show themselves united in local Land Leagues in their several districts. At Westport, again, on the 17th October, Mr. Brennan exhorted the people that every time they met, at chapel or elsewhere, they should interchange ideas "and form combinations for the assertion of their rights." At Tullow, on the same day, Mr. Biggar called upon the people of Carlow and upon the people of Ireland, to join the Land League, to enter into associations, and form "combinations to insist on the rent not exceeding the Government valuation in any case, and to take care that no land from which a tenant had been driven by extortion should be taken by anyone else." Mr. Parnell also told the people of Tipperary, on the 31st October, that they need not be afraid of extra police, because he would show them that when all Ireland was organized it would be perfectly impossible to get enough of police to intimidate the country. The meaning of that, of course, is—the state of all Ireland will be such that the Government will not have force enough to preserve law and order. He calls this preservation of the peace intimidation. So too, Mr. Dillon, the same day at Tipperary, calls on the people to organize themselves. "Organize! organize!" Boyton, again, in presence of Mr. Parnell and Mr. Dillon, said—"Men of Tipperary—I have to perform a duty, as organizer of the Land League, that I have already performed before 100,000 Tipperary men." He then administers the usual Land League pledge—and calls upon the people to "organize themselves in every parish in the county," as "that is what will settle the land question in their own

way." Perhaps, gentlemen, it was unnecessary to read these passages to you, because you had heard several of them before, and must thoroughly understand the machinery adopted by the defendants for working out their mischievous purposes. The design was to form branch Land Leagues—subordinate combinations or conspiracies—in different parts of Ireland; and the more numerous these local bodies should be, the more firmly the members of them worked together, and the more determined their course of action the better the defendants and their confederates of the central body would be enabled to carry out their present objects—immediate, ulterior, and ultimate—the expulsion of all existing proprietors, the transfer of their land to the present occupiers, and the breaking up of this United Kingdom, and establishment of an Irish Republic.

The court adjourned to eleven o'clock next morning.

FOURTH DAY—FRIDAY, DECEMBER 31, 1880.

The Court sat at five minutes past eleven o'clock.

The *Attorney-General* resumed his opening statement. He said—If your lordships please, gentlemen, when we adjourned yesterday I was endeavouring to lay before you further proof, in addition to what you had previously heard, of the existence of a combination among the defendants and others for the effecting of certain purposes which they had in view, and of their promoting those purposes by the formation of branch combinations through the country in connexion with their own central body; they themselves being bound, as well as I, to know that every such combination is by the law of the land a criminal conspiracy, if the object or means be unlawful. You will remember what I read to you from the Land League card. You will remember that the Irish National Land League was avowedly formed for the purpose—in the first place, of "putting an end to rack renting"; but we find from the speeches which I read to you yesterday—made by the different traversers throughout the country, that what they really meant by reducing rack rents, or putting a stop to rack renting was the prevention of tenants paying to their landlords their lawful debts—and that by a net-work of local combinations to carry out that object, at times by threats of violence —at times by threats of social and business excommunication—or, as some of them put it shortly—a system of social outlawry. Again, when these Land Leaguers, proceeding further, say their object is "to put an end to eviction," we find that what they mean is not to seek Parliamentary redress for such insecurity of tenure as exists in Ireland—no, the meaning is, that they combine to inculcate upon the people of the country the right—nay, the duty of resisting eviction by force, if necessary, and of frustrating the process of the law when it restores the land to the man who owns it on the failure of the tenant to pay what he undertook to pay for the use of it—frustrating the administration of justice by forming combinations for retaking possession of the farm from which a tenant has been by law removed, and, if necessary, committing the offence which to the law is known as forcible entry. So too, when they talk of their third object being to "put an end to landlord oppression"—that is only a convenient formula for introducing a wholesale denunciation of all landowners—holding them up to public odium and execration, and inciting against them the illwill and hostility of the rest of her Majesty's subjects—in other words, the offence known to the law as sedition. This may not all be at once discovered on the back of their card, for—with the skill which is exhibited in a great deal of their proceedings—they here take care to use guarded and ambiguous language. The means moreover, by which, as I have shown you from their several speeches, these things are to be attained, are not argument—oh, no, the time for argument, Mr. Dillon tells you, has long since passed—not public discussion, or Parliamentary or legislative redress—as to these the people are repeatedly told and exhorted to place no reliance whatever on Parliament, or look for relief from that quarter. Mr. Harris tells the people this is not the time for argument, that mere argument will always fail to achieve their ends. It becomes necessary, he says, to appeal to, and rouse the passions of the people—Yes, gentlemen, to rouse the passions—to excite some of the

worst passions of our nature—to appeal to the passions of greed and covetousness—to appeal to and excite feelings of envy and illwill against our wealthier neighbours—these, gentlemen, are the passions which are avowedly worked upon for the purpose of doing that which reason and honest argument could not support. False and exaggerated statements are made as to the characters of the ill-starred people who happen to own land at present, no matter how just or even kindly they may be, or how their titles were acquired. They may have bought last year in the Landed Estates Court—but that, according to this new doctrine, makes no difference. The argument is, that however the present owner may have acquired his property—as the historical research of the Land League shows them, that some centuries ago it belonged to some one whom they assume to have been deprived of it by fraud or force—therefore, just as the man who happens to buy a stolen horse is obliged to give it up to the original owner, though he may have bought it for its fair value—so no matter how the present owner got his land—however honestly—paying the full price for it in the open market, yesterday or to-day, still the original taint remains—and it must be given back—not to the heirs of the man who originally owned it, for they are undiscoverable, but to the fortunate fellows who occupy it at the present moment. The unhappy people who last year bought it are not to keep it—the persons who shall get it are those people who now till it. Thus they are to get what does not belong to them, and, of course, without paying its value.

It is difficult to understand on what ideas—they cannot properly be called principles—such doctrine is founded. It is not based on the ordinary Irish ideas of truth and justice ; no, it is based upon the wild communistic notions that prevail elsewhere. Gentlemen, I told you this before, and now I shall prove it from the statements of those defendants who seem to be the apostles of Communism in Ireland. I shall read you some passages from the speeches of Mr. Brennan, Mr. Boyton, Mr. Walsh, and Mr. O'Sullivan—preaching this doctrine over and over again. For example, Mr. Brennan, at Cardenstown, on the 23rd May, told the people —"We may be accused," he was, you see, perfectly conscious of it—"of preaching Communism. If it be Communism to say that the earth was made by God for the people, and that the people have as much right to the earth as to the free air of Heaven"—which is nobody's property—"then I am a Communist, and I glory in the avowal." Walsh, the following Sunday, at Teevancreeva, exclaims—"I tell you this land of Ireland is yours. If you stick to the Land League, under the leadership of Charles Stewart Parnell, the land of Ireland will be in the hands of the people"—that is those of the people who just then happened to till it—but what was to become of the rest of the people of Ireland—why they were to have no share he doesn't inform us. He proceeds:—"We were told we were speaking Communism, Nihilism, and a hundred other isms, because we told the people that the land of Ireland was made for the people who cultivate it; the same right as you have to the air, the water, or sunshine—you have as much right to the one as to the other." That is, you have as good a right to the land as to the air or sunshine. Again, Mr. Boyton, on the same Sunday, at Dunmanway, in the south west of Cork, cries—"We are going to ask to be left here on the soil of Ireland; on the soil that God created, and created for us as much as he created the air we breath or the water we drink, and to tell you in thunder tones that we consider our God-given rights, and not the right the law gives us." Defiance of the law on all occasions when it interferes with their theories ;

and yet the people are told this is all constitutional action and agitation within the law. Walsh, again on the 13th June, at Killasser, says :—"We want to put an end to landlordism. The land belongs to the people. It is their God-given right, and no man has a right to interfere with it." Gentlemen, I am afraid, if no man had a right to interfere with it, the people to whom the ownership has been, or is to be assigned, would have some difficulty in enjoying their property. Perhaps the gentleman was not quite clear as to what he meant, but those are the words he used—"No man has a right to interfere with it." The same speaker, on the 27th June, the same month, at Ballinlough, deals with the question of *bona fide* purchasers in the Landed Estates Court. Now, I commend this, gentlemen, to your attention—"I have heard that a great many landlords have bought their land in the Landed Estates Court." Well, we know a great many of them must have, considering that between fifty and sixty millions worth of property have passed through that crucible within the last thirty years; but no matter—"they say they don't hold their land under the title of Cromwell." Well, a great many of them don't hold under the title of Cromwell, or under any other confiscations. Some of the great estates were never the subject of confiscation at all. Take for example the title of the O'Neills in the county Antrim, their ancient estate never was forfeited—but no matter. If Lord O'Neill does not join the Land League he is in a bad way, for, though he does not hold under Cromwell, still no doubt, according to Mr. Walsh, of Balla, his title is not good. Well, he further says—"If a man comes into Ballinlough to sell a stolen horse, and another man buys it, knowing the horse to have been stolen, I say he is not entitled to keep it. In the same way the land is yours." It does not matter how the land came to be sold. It may be, and indeed most frequently has so happened that the land was sold to pay the owner's debts—yet, no matter whether the estate was sold for fair value in open market, to pay the unchallenged owner's debts, the unhappy man who, under a parliamentary contract, thought he was buying it, gets no title at all. "It belongs to us," says Mr. Walsh, at Killasser. To the far north, to the barony of Inishowen, Mr. Boyton goes down to organize, and tells the people of Carndonagh, on the 4th July, "God created this land to be as free, to render you the means to sustain life, as the air, and as the water"—and further on, he says,—"The land was created for you, and from the land on which you were born you are entitled to draw the means to feed, to clothe, and to house decently, your wives and families." Are we all then to have a scramble for the land?—if so, I fear we shall have a somewhat rough time of it. "The man, or the men, or the system that steps in between you and that right, steps between God and His ordinances in your regard"—that is taking very high ground.

Now, again returning to Mr. Brennan, who seems to have studied this Communistic doctrine more deeply than the others, I find that at Milltown on the 25th July, he told the people "These lands you have belong to you. They belong to you who have saved them with your sweat, and there is nothing morally wrong in saying that you will protect their fruits with your strong right arms." The same gentleman, at Keadue, on the 8th August, said—"This land that you have treated is yours; you have as much right to that land as you have to the free air of heaven, and any man who comes forward to take from you the fruits of that land, you should treat him as a robber and a plunderer." Carrying on his course of instruction, he tells his hearers at the same meeting—"This land of Ireland is yours; the fruit that this land is now producing is yours;

you have nourished it with your sweat; you have nourished it with your strong right arms, and you should take care that no robber will be allowed to steal away those fruits from you." Walsh again on the 28th August, at Kiltulla, said, "God made the land as he has made the water,"—yes, He made all things,—"the land is yours, and no people have a right to that land compared with your right." The meaning of this must be that the man who by chance on that 28th August, happened to be in the occupation of the land, whether he hired it the day before or not, no man had a right to that land compared with his. In the same month, gentlemen, at Clonakilty, in Cork—north, south, east, and west, you see the new light is spread—Mr. O'Sullivan asks his southern friends, "what right has landlordism, where has it got that right? Who has the right to the land? Is it not the people? The people whom God created to enjoy the fruits of the earth, and who created the fruits of the earth for them, and not for the idlers, the non-workers. It is the man who tills the land, who labours from year's end to year's end, who is the rightful owner, and it is only by the apathy and disunion, ay, and I must say the ignorance of the people of their rights which has caused them to be appropriated by landlord power in Ireland." Yes, gentlemen, all private property is here regarded as an invasion of the people's rights, and according to this new light, thus spread from day to day, and from week to week, private property must cease to exist, as property cannot exist in air or sunshine. It is only by the ignorance of the people that private property, which is here called appropriation by individuals, has been allowed to exist. "We have," he said, "we have"—that is, the Land Leaguers have—"to a certain extent, at public meetings and through the press, dispelled this ignorance." Yes, this is the "cultivation of public opinion by persistent exposure in the press and at public meetings," as announced on the Land League card—and by which they mean to dispel all the notions upon which the elder world was founded, and amongst others the idea that individuals may rightfully have property in land as well as in other things. "The people now (Mr. O'Sullivan says), with one voice, believe and say that the land was made for them, and they are also determined that they will repossess themselves of it. I then call upon you here to-day to pledge yourselves in the free air of Heaven, which was made for you by God, as the earth was—that air, the landlords would charge rent for if they could"—I call upon you to join in this declaration, if you are determined you shall again repossess this land. What will happen when they do thus repossess it, he does not stop to consider. Whether there will not then be another series of attacks on the new possessors by the rest of the people, inasmuch as they are thus taught to believe that all private property is but robbery, a vicious appropriation by individuals of what rightfully belongs to the whole population, and which ought to be enjoyed by them accordingly, as well as the sunshine. Mr. Walsh, again, at Ballinagleragh, on the 5th September, says—"I hold that the land of Ireland belongs to the people of Ireland. Almighty God made the land, as He made the air and water, for the people. He never ordained that a few lazy good-for-nothing individuals should own the land. The only thing the people of Ireland are willing to accept is that the tiller of the soil shall be the owner of the soil." Mr. Brennan, also at Clonmacnoise, the same day, expounds a still larger doctrine. You remember the speech he made in the Phœnix Park, at the initiation of the great Land and Labour League, as it was then pretended to name the movement for the purpose of catching the trades and workmen of Dublin. Mr.

Brennan now tells the people of the Queen's County, at Clonmacnoise:—"This is not merely a movement on behalf of the tenant farmers of Ireland against the landlords of Ireland; it is a movement of the workers of Ireland against the class who have been robbing you—against a class who despise labour in every form." No longer is it confined, you observe, to a landlord and tenant question. It becomes now a doctrine of a very wide application. "It is the uprising of the democracy of Ireland against the privileged few who have been living on the profits of your labour"—against all property, whether it is in the form of land or money—against land usury called rent, against money usury called interest, against trade usury called profits—"it is the rebellion of men who, for a long time, not knowing their rights, have bowed under the weight of oppression, and who now, knowing that God did not create them to be the willing slaves of any class; who know that they came into the world with the same rights as him who is called lord, take their stand upon these rights, and hurl defiance into the teeth of their enemies"—no matter what the relation of life may be, defiance to all, poor, and rich alike. I suppose there is to be a jubilee year at certain intervals, when there will be a general redistribution of property—money, land, and everything else—when, in fact, we shall all have a fresh scramble.

Mr. Brennan again—at Westport, on the 17th October—complains that an attempt has been made to create disunion, and he says, "Whether the apostle of that disunion be the Lord Lieutenant of Ireland, or the Archbishop of Dublin" (meaning Dr. M'Cabe), which at once evokes cries from the excited people, carried away and demoralized by this new doctrine,—"Away with them." Away with the Lord Lieutenant of Ireland. Away with the Archbishop of Dublin. "Down with them." Mr. Brennan goes on to say, "This meeting here to-day of the labourers, the farmers, and the artisans lays the foundation of a fraternal brotherhood of labour"—this is a bit of the Communistic cant,—"which alone can save man's right, and which guards man's right from the coercion of monopoly and the tyranny of capital." Now, I commend that, gentlemen, to your attentive consideration. We have here, in Mr. Brennan's philosophy, left far behind the paltry question of Irish land tenure. It is the uprising of the Democracy—rising in the might of their strong arms to maintain the rights of labour as against all accumulation of wealth in every form. So, also, at Carrick-on-Shannon, on the following Sunday, continuing his tour of instruction, Mr. Brennán tells the people of Leitrim, "This is not merely a farmers' movement—it is a movement of all the workers of Ireland against the idlers. It is the duty of the whole of the industrial classes to join in the combination." Now, gentlemen, have you any doubt what the meaning and significance of this doctrine is? As Mr. Brennan, one of the chief spokesmen, tells you, it is not confined, and it is not pretended to be confined—indeed, once the waters are let out they won't be confined—to an attack upon capital in the form of land. It is an attack ultimately upon all accumulated wealth, whether that wealth be the wealth of the landowner, or of the banker, of the merchant, or of the shopkeeper. The moment they cease to work, the rest of the people, it appears, are entitled to enjoy the fruits of their exertions. I need not tell you, gentlemen, that this is nonsense—but it is mischievous nonsense, too.

Now, gentlemen, I have stated as simply as I could, and with as much clearness of expression as was at my command, the nature of the different charges that are brought against the traversers at the bar—and, in some part at all events, the nature of the evidence by which

these charges are to be supported. I have told you, reading from the card which I hold in my hand, the avowed—though, no doubt, ambiguously expressed—principles of the Irish National Land League, which these agitators have founded, and I have read for you a great number of passages —more, perhaps, than you thought were necessary—from their speeches, expounding and practically applying the doctrines indicated on their card. Now, there is evidence in those speeches, I venture to think, even if nothing more shall be proved, sufficient to show a combination among these defendants, with a community of design; that all, in short, are engaged in attempting to carry out one common purpose. They don't, indeed, affect to conceal it; over and over again each and every one of them avows their organization, and its principles. The passages I have read to you clearly expound the doctrines of this, at first sight, innocent organization founded by them, or for them, and under cover of which they have combined to work. Finally, I would pray of you to observe that the passages I have selected—and you may have a multitude of others—all explain these doctrines in substantially the same way. There is no longer any possible doubt as to the objects these people have in view. They give practical and ample exposition of what they really mean by the phrase of 'stopping rack-renting'—what they really mean by 'putting an end to eviction,' and what they really mean by the strict 'organization' which they have formed to carry out their purposes. They amount to this—that for the purpose of injuring and bringing to their knees a large and not unimportant class in the community, namely, the present owners of Irish land, they have combined and agreed together to effect that purpose, by preventing the debts due by law from the occupier to the owners of land from being paid—that they have further conspired to injure that large class of the community by obstructing the enforcement of their legal rights, by frustrating the execution of the process of courts of justice, by taking care that the writs of execution for levying debts shall be fruitless—by taking care that if writs of possession are sought to be executed they shall first be resisted as far as practicable, and if finally executed, that the work shall, if possible, be be undone by the tenants being induced to re-enter the land out of which they have been evicted.

Further, gentlemen, the extracts I have read are proof of a combination for further mischief; that is to say, not only to injure the owners of land—which was their primary object—but also as a subordinate object to injure all people who want to take land—by preventing anyone from venturing to become tenant of land from which another had been evicted; and lastly, they are plain proof of a conspiracy to create feelings of ill-will and animosity against the owners of land amongst the other classes of the community—that 'healthy sentiment' which some of the defendants have recommended as so desirable to create throughout the length and breadth of Ireland—a result which, even had they not deliberately intended it, was not only the natural, but the necessary consequence of the enterprise upon which they somewhat rashly engaged. Now all these purposes, gentlemen, I venture to tell you, subject to the correction of their lordships, are illegal. Yes, and the means by which they are sought to be carried out are illegal too. It is illegal to promote local combinations for the purpose of preventing the owners of land setting that land to the best advantage. It is made so by statute, and made criminal by statute. It is illegal to attempt by their own organized and concerted action, or by the action of the local bodies whom they create for the purpose, to prevent the payment of rents or carry out the other objects which I have already described to you

It is illegal to combine to effect those purposes, not only by threats of violence, but also by threats of social excommunication or outlawry. It is illegal in any person to seek by annoyance and disturbance of the peace and comfort of any man, to force that man to do what he does not choose to do. But these modern apostles of liberty seem to have forgotten what liberty means—their idea of liberty would rather seem to be like that we are told was entertained by the mob of Paris at the time of the Revolution they are so fond of talking about, who the minute they were stopped hanging their victims, cried: "What! is this liberty, that we can no longer hang whom we like?" That, gentlemen, would appear to be the Land League notion of liberty. That, however, gentlemen, is not the liberty we should wish to see established here. We do not, I presume, desire to see unbridled licence given to every set of people who choose to combine to injure or annoy or molest their neighbours. In other words, we don't want the work of civilization undone, and society reduced again to chaos.

Now, gentlemen, one of the newest inventions—who is entitled to the credit of it I do not know—but, at all events, one of the latest illustrations of Mr. Davitt's 'new gospel' is this practice of social excommunication; and for the last few months the unhappy people throughout Ireland have been deluded into joining this organization, by being told that this "powerful means," as Mr. Biggar tells you it is, this powerful weapon in the hands of the Land League, is perfectly legal. Well, it is time that he and others should be informed authoritatively by this court, and I hope by you, that action of this kind is grossly criminal. My lords, a question somewhat similar arose before Lord Justice Bramwell in a case where the action of some trades-unionists was considered—and in which it was debated how far they might or might not interfere with the free action of those who did not choose to to join in or observe their rules. In the case of the Queen *v.* Drewitt and Others, reported in the Tenth Volume of "Cox's Criminal Cases," page 593, certain workpeople in London were indicted for a conspiracy, because, not content with agreeing among themselves that they would not work for their masters (I think they were tailors) under a certain rate of wages, which they were at perfect liberty to do—not content with that, they established a system which is pretty well known as "picketing"—placing one or more members of the union at the doors of the master who did not submit to their terms. The pickets did not strike the people, but they annoyed, and, in the legal sense, molested every non-union man that they saw going in or out. Now, this matter has, we know, been dealt with by statute, but I am not citing this case with any reference to the statute, but with reference to what one might expect to be the ancient, unwritten common law of this free land—it would be strange, indeed, if it were otherwise. Lord Justice Bramwell says—"When the law gives, or rather acknowledges a right, it provides a punishment and a remedy for a violation of that right. That is a cardinal rule and an obvious one. I would also make another remark which is familiar to all Englishmen (and I hope Irishmen, too) that there is no right in this country under our laws so sacred or so carefully guarded as the right of personal liberty. No right of property—no right of capital, about which there has been so much declamation—is so sacred or so carefully guarded by the law of the land as the absolute right of personal liberty." "But (Lord Justice Bramwell goes on to tell the jury) that liberty is not liberty of the body only—it is also liberty of the mind and will, and the liberty of a man's mind and will to say how he shall bestow himself and his means, his talents and his

industry, is as much the subject of the law's protection as was that of his body. Generally speaking the way in which people have endeavoured to control the operations of others has been by putting restraint upon their bodies; and, therefore, we have not had so many instances in which the liberty of the mind was interfered with, as was that of the body." However, gentlemen, we are a little more imaginative and inventive, I suppose, in Ireland, and what is seldom attempted in England is now reduced to what is thought a scientific and legal system in Ireland. "Still," said Lord Justice Bramwell, "if any set of men agree among themselves to coerce that liberty of mind and thought by compulsion and restraint, they are guilty of a criminal offence—namely, that of conspiring against the liberty of mind, and freedom of will of those towards whom they so conduct themselves. I am referring to coercion or compulsion as something that is unpleasant and annoying to the mind operated upon"—not, you will observe, gentlemen, merely to the body—"to the mind operated upon, and I lay it down as clear and undoubted law, that if two or more persons agree that they will by such means co-operate together against that liberty they will be guilty of an indictable offence. The public have an interest in the way in which a man disposes of his industry and his capital, and if two or more persons conspire by threats, intimidation, or molestation, to deter or influence any man in the way in which he shall employ his industry, his talents, or his capital, they will be guilty of a criminal offence. That," he adds, emphatically, "is the common law of the land," though statutes have been passed to enforce it. Such, then, gentlemen, we see is the common law of the land; and strange, indeed, it would be, if, while entire freedom of the body is guaranteed by the law, there should be no protection for a man's freedom of will and action. What the learned judge too means by molestation, he goes on to explain: telling the jury that "even if they should be of opinion that the picket did nothing more than his duty as a picket, and that such duty did not extend to abusive language and gestures such as had been described, still if that was calculated to have a deterrent effect on the minds of ordinary persons by exposing them to have their motions watched, and to encounter black looks that would not be permitted by the law of the land."

Now, gentlemen, with that exposition of the law, I venture to tell you that this so-called 'moral pressure,' by which a man is to be isolated from his fellows, made an outcast and an outlaw, so that he may no longer buy from, or sell to, those near whom he lives, and that even to supply him with meat or drink, or suffer him to cross another's threshold shall involve in similar isolation and misery the person who treats him with so much common charity—this ingenious system may be, as Mr. Biggar tells you, very powerful indeed, for it is sufficient to make a man's life not worth living; but I tell you that it is as illegal and criminal as it is cruel and inhuman. I told you yesterday that one of the greatest aggravations of mischief is that attributable to combination for evil—it aggravates every injury and intensifies every wrong. The power that one man has for mischief is as nothing compared with the multiplied power that he and others joined together possess to molest, annoy, and injure their fellows. It has been well said that, in the case of individuals, the progress from one misdeed to another is mostly gradual; but, in the case of associated wrong doers, it is almost always rapid. It is the nature of these mischievous and unlawful combinations to inflame the passions of one man by the passions of another, and to bring into general action the collected vices of all. The man, whose own temptation or frailty would be insufficient to make him do

injury to his neighbour, would be insufficient to urge him forward in the career of mischief, whose own reason or compunction might arrest his downward progress, is borne along with the torrent. Bad example decides him, false shame hardens him, and in the end he is precipitated almost necessarily into crime. And so, gentlemen, depend upon it, this modern invention of association to make a neighbour's life miserable—this modern form of Christianity will be found to work—inflaming all the worst passions of those who are engaged in it. The materials of the black cloud will gather and gather until at last it bursts—the flash comes, and agony or it may be death ensues. The law, therefore, wisely strives to stop this mischief in its earliest stage and makes that criminal in many which, whatever we individually might think of it, would not be criminal in one. Now, gentlemen, I am glad to say that my task is nearly done. It has not been to me an agreeable one. It has, indeed, in some respects been painful. I hope and believe that I and others love our country as well as many of those who make a louder boast of it. I hope we sympathise with the struggling Irish tenant, and especially with the struggling tenant upon our western shores. There is now, I am happy to think, if not an universal, at least a general desire to relieve the hardship of his lot. There is a general desire to secure him against injustice ;—to enforce—where enforcement is necessary—that he shall be permitted to carry on the business of his life under fair conditions, and that he shall be justly dealt with by those whose land he holds. There is, I may say, an almost universal desire, that he shall be enabled and assisted when opportunity offers to become the owner of the farm he tills. I dare say that as a matter of current history you are aware a resolution to that effect was passed only two years ago by the unanimous vote of even the last House of Commons. Gentlemen, we should gladly have welcomed the co-operation of all true Irishmen in carrying out this practical and beneficent measure. But as we read in Virgil *Diis aliter visum est.* Unfortunately, I think, for the country, other views have largely prevailed. Instead of co-operation to secure what may be practicable, we have what I cannot help regarding as a mischievous combination for what is visionary and unattainble. Great resources—yes, and great talents—have been wasted, and I may add worse than wasted, in a crusade against the rights of private property and the sacredness of engagements between man and man. Gentlemen, I could well have wished it otherwise. Nay, I would even venture to express a hope that when order is restored, as restored it must be, and will be—when this present craze has gone down—when what there is of just discontent shall be removed by wise and honest legislation; when, as I may express it, this tyranny is overpast, when what some unjustly call American principles, but which may more correctly be attributed to the Red Republicanism, Communism, or Nihilism of other lands, when this body of mischievous doctrine, blasphemously styled "the new gospel" shall be abandoned and repudiated as fundamentally unsuited to this Ireland of ours and the naturally moral and religious character of its simple and kindly people—I would, I repeat, venture to express a hope that more than one of those, whom it is unhappily my duty now to prosecute, will yet be found using the intellects and the gifts of speech with which God has endowed them, not in preaching the "new gospel" of strife and contention, but in preaching the doctrines—the old doctrines of truth and justice, honesty, and good faith, and in promoting peace and good will amongst the people of this land, once known as the Isle of Saints.

But, gentlemen, our immediate duty is of another kind. We have now to see that the law is vindicated and maintained. That law, as applicable to this case, you will take, gentlemen, as I have ventured to say more than once, from the learned judges upon the bench. Neither I nor my learned friends who defend the traversers, have any right to direct you upon that. We may suggest our views, but the authoritative statement of the law will come to you from their lordships. But you also have another and not less important function to discharge. To you it belongs to pronounce conclusively upon the facts. If the evidence supports the statements I make to you, if, as a matter of fact, you find that these traversers have spoken, as I am told they have spoken, you will form your opinion upon those facts, and you will say whether you are not satisfied that the offences with which we charge them, and which the learned judges will describe and define to you have been proved.

It is not necessary, gentlemen, for you to find them guilty of all these offences if you are not satisfied that they are guilty of all. But if you find that all or any of the charges that we make against them are true, and what they have so done amounts to an offence as defined by the Bench, it will be your duty, however painful, to convict them. Should the matter, indeed, be left in doubt, if—as you will probably hear from the learned Judges on the Bench—if you are not satisfied by evidence that those acts with which they are charged, or some of them, have been done, then, according to the merciful principles of our law, it will be equally your duty to acquit them. But, gentlemen, we must recollect that the process in which we are here engaged is only to be rightly carried out by the joint action of learned and impartial Judges, and an honest and intelligent jury sworn before God to pronounce their verdict upon the facts, according to the evidence given on oath before them. Yes, gentlemen, without fear or favour, keeping a strict unswerving course, prejudiced neither in favour of the Crown nor of the traversers, give that answer upon the facts which your consciences approve of, and which your oath demands. Then you will have done all that the Crown can ask, or has a right to ask! But remember, gentlemen, that the law must be maintained, at whatever pain to individuals, whether engaged in its application, or doomed to suffer for its infraction. Disorder must be stopped. Thus, and thus only, can peace be restored to this now distracted land; and whilst allowing the fullest scope, the widest possible latitude, for all free and fair discussion and argument upon public questions—thus, and thus only, can individual liberty be protected and secured to all alike—to the merchant, the farmer and the landowner, to the peasant and the peer, the poor and the rich, all equally entitled, as their common birthright, to live their lives in peace, to enjoy the rights and fulfil the duties of the several social positions to which Providence has called them, unmolested and unannoyed, and to follow their various callings as they may themselves think fit—no man, or body of men, daring to make them afraid.

THE EVIDENCE.

Mr. ALFRED FREDERICK MILL was then sworn.

The *Solicitor-General.*—Is your profession that of a shorthand writer?—It is.

You have had experience in that?—I have.

And you are competent to report?—I am.

When did you come over to this country?—On the 9th September.

Do you recollect attending a meeting held in Ennis on the 19th September?—I do.

Have you reported in Parliament, Mr. Mill?—I have.

And you are familiar with all the members?—I am.

You know Mr. Parnell and Mr. Sullivan?—Yes.

Did you see Mr. Parnell and Mr. Sullivan at the Ennis meeting?—I did.

On the 19th September?—Yes.

Did you hear them speak, and report their speeches?—I did.

In shorthand?—I did.

Did you transcribe your shorthand note?—I did.

Is it accurate?—It is.

Have you it with you?—I have.

Will you be good enough to refer to it?—I have it here.

Will you turn to the passage, "Now, we had issued a Land Commission?"

The *Witness.*—Is that Mr. Parnell's speech?

The *Solicitor-General.*—Yes. Mr. Parnell's speech. Begin with, "We have had issued a Land Commission'——

The *Witness.*—I have it.

The *Solicitor-General.*—Commence with, "We have had issued," and go on till I tell you to stop. Repeat the whole of the passage. It is material to be put in evidence.

The *Witness* (reading):—"Now, we have had issued a Land Commission, and there has been some division of opinion as to whether the tenant-farmers ought to give evidence before this Commission or not. I have not yet had an opportunity of saying anything in public upon this matter, but I may say that, in the main, my opinions coincide with those of Mr. John Dillon in reference to this Commission (cheers for Dillon). At the same time, I only wish to express my opinion, and I do not wish to coerce any tenant-farmer in reference to this matter one way or the other; but I am bound to tell you honestly that I believe this Commission was appointed in order to try and whittle down the demands of the Irish tenantry, to find out for the English Government what was the very least measure of reform that would have any chance of being accepted in Ireland, and, to a great extent, to divert the minds of the tenant-farmers from agitation and organization to the useless work of going before this Commission and giving evidence."

The *Solicitor-General.*—That's the whole of that passage. Now go on to the passage beginning—"My opinion decidedly is this"——

Witness (reads):—"My opinion decidedly is this, that whatever harm you may do to your cause by going before this Commission, you will certainly be able to do it no good. Depend upon it that the measure of the Land Bill of next session will be the measure of your activity and energy this winter (cheers). It will be the measure of your determination not to pay unjust rents ("Good," and cheers). It will be the

measure of your determination to keep a firm grip of your homesteads (cheers). It will be the measure of your determination not to bid for farms from which others have been evicted (cheers), and to use the strong force of public opinion to deter any unjust men among you (and there are many such) from bidding for such farms. It you refuse to pay unjust rents, if you refuse to take farms from which others have been evicted, the Land Question must be settled (cheers), and settled in a way that will be satisfactory to you (cheers). It depends, therefore, entirely upon yourselves, and not upon any Commissions or any Governments. When you have made this question really ripe for settlement, then, and not till then, will it be settled. It is very nearly ripe already in many parts of Ireland. It is ripe in Mayo, in Galway, in Roscommon, in Sligo, and in portions of the county of Cork, but I regret to say that the tenant-farmers of the county of Clare have been backward in organization up to the present time (hear, hear). You must, then, band yourselves together into Land Leagues. Every little town and village must have its own branch. You must know the circumstances of all the holdings and all the tenures within the district over which the Land League has jurisdiction. You must see that the principles of the Land League are inculcated, and when you have done this in Clare, Clare will take her rank with the other Irish counties, and you will find that you will be included in the next Land Bill which will be brought forward by the Government."

The *Solicitor-General.*—You will just distinguish between the speech that Mr. Parnell delivered, and any cries or noises you heard in the crowd. "Kill him," "Shoot him," were cries uttered by the crowd?—Yes.

The *Solicitor-General.*—"Now, I think, I heard some one say, 'Shoot him.'" That was in the speech?—Yes.

"Shoot him" was not said by Mr. Parnell?—No.

Now, please continue to read the speech, and to indicate what were the interruptions by the crowd?—Witness (reads):—"Now what are you to do to a tenant who bids for a farm from which his neighbour has been evicted?"("Kill him," and "Shoot him," were uttered by the crowd). "Now, I think I heard somebody say, 'Shoot him.' ('Shoot him')—but I wish to point out to you a very much better way, a more Christian and a more charitable way, which will give the lost sinner an opportunity of repenting (hear, hear). When a man takes a farm from which another has been evicted you must show him on the roadside when you meet him, you must show him in the streets of the town, you must show him at the shop-counter, you must show him in the fair and in the market-place, and even in the house of worship, by leaving him severely alone, by putting him into a moral Coventry, by isolating him from the rest of his kind as if he was a leper of old—you must show him your detestation of the crime which he has committed, and you may depend upon it if the population of a county in Ireland carry out this doctrine that there will be no man so full of avarice, so lost to shame as to dare the public opinion of all right-thinking men within the county, and to transgress your unwritten code of laws (cheers). People are very busily engaged just now in discussing the way in which the Land Question is to be settled, just in the same way as, a few years ago, some Irishmen were at each other's throats as to the sort of Parliament that we would have when we got one. Now, I always think it is better to first catch your hare before you decide how you will cook her, and I would strongly recommend public men not to waste their breath too much in discussing how the Land Question is to be settled, but rather to help and encourage

the people in making it, as I said just now, ripe for settlement." (Then some people shouted 'Bravo'). "When it is ripe for settlement you will probably have your choice as to how it shall be settled, and I said a year ago, that the Land Question would never be settled until the Irish landlords were just as anxious to have it settled as the Irish tenants ('Bravo'). There are, indeed, so many ways in which it might be settled that it is almost superfluous to discuss them, but I stand here to-day to express my conviction that no settlement can be satisfactory or permanent which does not ensure the uprooting of that system of landlordism which has brought the country three times within this century to famine. The feudal system of land tenure has been tried in almost every European country, and it has been found wanting everywhere, but nowhere has it wrought more evil, or produced more suffering, crime, and destitution than in Ireland." (Then there were groans.) "It was abolished in Prussia by the transfer of the lands from the landlords to the occupying tenants, the landlords were given Government paper as compensation. Let the English Government give the landlords their paper to-morrow as compensation. We want no money; not a single penny of hard coin would be necessary. Why, if they gave the Irish landlords, or the bad section of them, the four or five millions a year that they spend on the police and the military (groans from the crowd), in helping these bad landlords to collect their rents, that would be a solution of it (hear, hear, and cheers), and a very cheap solution of it too; but perhaps, as with other reforms, they will try a little patchwork and tinkering for a while until they learn better. Well, let them patch and tinker if they wish, but in my opinion the longer the landlords wait the worse the settlement that they will get (cheers). Now is the time for them to settle, before the people learn the power of combination. We have been accused of preaching Communistical doctrines when we told the people not to pay an unjust rent, and the following-out of that advice in a few of the Irish counties has shown the English Government the necessity of a radical alteration in the land laws, but how would they like it if some day or other we told the people not to pay any rents until this question was settled? (cheers). We have not told them that yet, and I hope it may never be necessary for us to speak in that way. I hope the question will be settled peaceably, fairly, and justly to all parties, but if it should not be settled, we cannot continue to allow this millstone to hang round the neck of our country ('Bravo'), throttling its industries and preventing all progress, and it will be for the consideration of wiser heads than mine ('There could not be,'), whether if the landlords continue obdurate and refuse all just concessions we shall not be obliged to tell the people of Ireland to strike against all rent until this question has been settled (cheers), and if the 500,000 tenant-farmers of Ireland struck against the 10,000 landlords, I should like to see where they would get police and soldiers enough to preserve the peace (cheers).

The *Solicitor-General.*—That is very nearly the whole of that speech?—Yes.

Now would you turn to the speech of Mr. T. D. Sullivan on the same occasion. Towards the close of the second page there is a passage that commences—"Now, my friends, when first I had the honour of speaking at an Irish Land Meeting." That is the part that comes to business?—I have it, sir.

Kindly commence at the passage "Now, my friends, when first I had the honour of speaking at an Irish Land Meeting," and will you read slowly and distinctly, please, Mr. Mill?—(Witness reads)—"Now, my friends, when first I had the honour of speaking at an Irish Land Meet-

ing, it was at Castlebar in the county of Mayo, and I told the people there this thing. I said to them, you are largely to blame for your own misery and destitution. You have pitched your scale of living too low, and you have paid too much rent (hear, hear). You have been satisfied to live in rags; you have been satisfied to live in bad houses; you have been satisfied to live on poor and bad food; you have been satisfied to let your little children go barefoot and naked, and to give the product of your whole year's labour in the shape of rent to the landlords (shouts). Now I tell you that was a wrong state of things, and I tell you it was immoral and improper for these tenant-farmers of Ireland to reduce themselves or allow themselves to be reduced to such a condition as that (right). They pitched, and you have pitched, in this county, your scale of living and your ideas of what is fit and necessary for you entirely too low, and you have kept an idle class wallowing in luxury upon the fruits of your honest industry. Now, my friends, we must change all that. You must raise up your hearts, raise up your spirits, raise up your own ideas of what the people should be. Resolve in your own minds that the first claim on the fruits of your industry is the support of yourselves, your wives, and your families in decency and comfort (hear, hear, and cheers)."

"What is rent at all? What is rent? Now, mind you this. The wisest men in England and the wisest men of other countries have laid down this truth, that rent is a share in the profits of farming after the labourer and the farmer have had their due and proper support out of the soil, and when there is no such profit, when there is no such profit accruing out of the year's labour, owing to bad crops, depreciation of prices, or other such matters, then there is no rent due at all to the landlord. Now mind you, my friends, these are not my words, these are not the words of what is called a land agitator. They are the words of English philosophers and English statesmen, and bear them in mind, that when there is no profit from the farmer's twelve months of labour, after he has fairly and duly provided for himself and his family, then there is no rent due to the landlord.

"Now, Mr. Parnell and Mr. Finigan have told you here to-day that the key-note, the key-stone of your power is this, that a stop shall be put to the taking of farms from which families were evicted for the non-payment of an unjust rent. Now, let me tell you that no matter how you meet or no matter how you pass resolutions, or no matter how you cheer, if the practice goes on of outbidding one another for these farms, or of taking these farms at all on which evictions have taken place, all our labour is vain ('bravo' from the crowd). Nothing that we can do will save you if you go taking the farms from which the landlords have cleared out honest and industrious families because they failed to pay them unjust and extravagant rents. But, my friends, so sure as that sun is shining on us, so sure it is that if you stand to each other like brothers, follow the advice that has been given you here to-day, leave those farms to grow thistles and rushes, and if any one is base enough to go in on them, shun him (then some one called, 'shoot him'); let him be as an outcast amongst you, and his life will be a life of shame and a life of misery, and the shame will attach not only to himself, but to his children and his children's children (cheers).

"Now, one word in conclusion. There are people in this country who are foolish enough to think that if the farmers of Ireland were made secure in their holdings, if they were made comfortable and happy, they would forget the national cause of Ireland. That slander has been uttered upon the tenant-farmers, who are the bone

and sinew of the Irish race. Here, to-day, I denounce it as a slander (cheers); and if I could believe that story for a single minute, I never would stand upon a land platform. But, my friends, I have a different opinion of the Irish race, and my belief is this—that as you make them strong, as you clothe them and feed them, and raise their hearts to a true perception of what the condition of the people should be, according as you educate them, and according as their young people grow up about them, reading and thinking and learning for themselves the history of their country and the history of the world, stronger and stronger will grow the spirit of Irish nationality in the hearts of the people ('hear, hear,' and 'bravo,' from the crowd). That spirit has never been crushed out, and it never will be ('never,' from the crowd). Elizabeth tried her hand at it and she failed. Cromwell tried his bloody sword upon it, and he thought to exterminate the Irish people, and to extinguish for ever the idea of an Irish nation, but he, too, failed; and here we are to-day, sons of the Irish soil; here we are to-day on the plains of historic Clare, standing up for the national cause of Ireland, standing up for everything that will benefit the Irish race, and that will give them honour and dignity amongst the nations of the earth (cheers)."

The *Solicitor-General*.—That closes the extract?—Yes.

What position were you in—in what position were you able to take that report?—I was standing on the platform amongst the crowd.

Near the speakers?—Close to them.

In a position to hear what they said?—Yes.

Whereabouts in Ennis was the platform on which you took the report?—In O'Connell-square, I believe it is called—at the base of the O'Connell statue.

Round the base of the statue?—Yes.

And the crowd were all around?—In front of it.

Are you able to form an opinion as to the number of persons who formed the crowd?—I am.

Tell us about how many there were?—There were about seven or eight thousand people.

The witness, my lord, as he is on the table, will depose to the other meetings he attended. We consider it more convenient that he should depose as to each separate meeting, and it might also be more convenient for my friends to cross-examine him with respect to each of the meetings.

Mr. *Macdonogh*.—I really think it would be more convenient.

Mr. Justice FITZGERALD.—And deal with each meeting in turn separately.

Mr. *Macdonogh*.—That is my impression—if it meets with your approbation.

Mr. Justice FITZGERALD.—Quite so.

Cross-examined by Mr. *Macdonogh*, Q.C.

The meeting to which you refer took place on what date—can you fix the date?—Yes; the 19th September.

You saw Mr. Parnell there?—I did.

I believe he treated you with all manner of courtesy?—He did.

And procured you accommodation on the platform?—I believe he was instrumental with others in doing so.

There were no police at the meeting, I believe?—None at all.

You attended several other meetings that I will not go into at present?—I attended all the meetings Mr. Parnell attended except one.

And the police were absent from them all?—Yes.

Are you aware of the arrangement between the Executive and Mr. Parnell?——

The *Solicitor-General.*—I object. There was no such arrangement, as a matter of fact.

Mr. *Macdonogh.*—Allow me to ask the question.

The *Solicitor-General.*—You cannot assume that he knows an arrangement existed, and base a question on the hypothesis that it does.

Mr. *Macdonogh.*—The gentleman is asked a question, whether he knows of a certain arrangement.

The *Solicitor-General.*—I object to the question.

Mr. *Macdonogh.*—I have already shown that from the first—from the 19th September—the police were absent from the meetings; that this gentleman was given that courtesy from Mr. Parnell that we might expect from a gentleman like Mr. Parnell.

Mr. Justice FITZGERALD.—At any of the meetings this gentleman attended.

Mr. *Macdonogh.*—I ask him the question, was he aware himself of any arrangement between Mr. Parnell and the Executive that if the reporters were accommodated the police need not be present.

The *Solicitor-General.*—I object.

Mr. Justice FITZGERALD.—Does he know of any such arrangement?

Mr. *Macdonogh.*—That is the question. Unless he knows it I would not ask. (To witness).—Did you know of any such arrangement?—I did.

The *Attorney-General.*—I take the liberty of asking the witness——

Mr. *Macdonogh.*—You know now——

The *Attorney-General.*—I am addressing his lordship. Will your lordship kindly ask him how he does know.

Mr. *Macdonogh.*—I beg the Attorney-General's pardon. He is quite mistaken as to the rule. I asked a legal question.

Mr. Justice FITZGERALD.—"I know" is a very ambiguous expression. It is quite open to you to ascertain what are the means of the witness's knowledge—whether he was present at any arrangement, or whether he is speaking from mere hearsay.

Mr. *Macdonogh* (to witness).—You were employed by the Government?—Yes.

Now, you said you did know of that arrangement—how did you know of it—I will adopt your lordship's suggestion at once?—Merely by hearsay.

Was it hearsay from any member of the Government?—No.

At all events he knows of the arrangement by hearsay—you know it was acted on?—I do.

Mr. Justice FITZGERALD.—He knows he got accommodation, and that the police were not there.

The *Solicitor-General.*—Does your lordship think that this is a legal line of questioning—whether he knows of any such arrangement, and if he knows it was acted on.

Mr. *Macdonogh.*—It is perfectly legal evidence.

The *Solicitor-General.*—I ask your lordship to say it is illegal.

Mr. *Macdonogh.*—You may ask as you would "call spirits from the vasty deep." (To witness)—Now, be good enough to inform me was not that meeting of the 19th unattended by any violence or impropriety?—It was one of the most peaceful meetings I attended.

And that was your very first meeting in the country?—Oh no, it was not.

On other occasions I know, but this was the first on this occasion?—In this year.

Of course you heard very distinctly the substance of what Mr. Parnell stated?—I heard every word he said.

There is one of the pages, if I don't mistake, of which you did not read more than half?—Very likely.

Do me the favour of reading the other half?—There were several passages in both honourable members' speeches I did not read at all, and I cannot find the particular one you refer to.

The *Solicitor-General.*—The first page and a half—the first page of the report.

Mr. *Macdonogh.*—Be good enough to turn to that passage beginning with the words "The farmers are the support of all classes"? I have the paragraph now—"One word in conclusion"——.

Is that the paragraph in which the words occur "The farmers are the support of all classes in the community"?—I don't see these words.

The *Solicitor-General.*—It is the last six lines of the whole speech.

Mr. *Macdonogh.*—After Elizabeth and Cromwell, be good enough to read aloud the remainder?—I have the passage now.—"No, my friends I believe in the future of the Irish race, and because the tenant-farmers of Ireland are the main portion of the Irish population, and because they are the support of all classes in the country, I am anxious to get them placed in the position they should be in. I am anxious to see that they shall no longer be the prey of an idle and worthless class, who squander in riot and luxury the hard earnings of honest men (cheers). I would say to you, in the words of an Irish poet, 'Grant us, we pray, but wisdom, peace, and patience, and we will yet uplift amongst the nations our fair and barren, but yet unconquered isle.'" (Cheers.)

The *Solicitor-General.*—You were asked whether there was any violence or impropriety at that meeting, and you said "No,"——

Mr. *Peter O'Brien.*—On behalf of Mr. T. D. Sullivan, my lord, I wish first to ask a few questions. (To witness)—You say "fair and barren," were the words used in this speech?

Mr. Justice FITZGERALD.—That is Mr. Sullivan's speech?

Mr. *P. O'Brien.*—Yes, my lord. Are these the words Mr. Sullivan used, "fair and barren?"

The *Witness.*—To the best of my belief they are.

You are not certain. Now, sir, were not the words "fair and fallen," Will you undertake to say whether they were or not?—Unfortunately the shorthand character would express both "fallen" and "barren," mostly alike, and I could not swear which it is.

Mr. Justice FITZGERALD.—Read the passage for us.

The *Witness* (reading).—"I could say to you, in the words of an Irish poet,

> "Grant us, we pray, but wisdom, peace and patience,
> And we will yet uplift amongst the nations,
> Our fair and barren,
> But yet unconquered isle."

Mr. *P. OBrien.*—Now, what do you believe it is yourself, now?—It must be "fallen."

Of course, it was. Did you read all of Mr. Sullivan's speech you have there?—I did not.

Did you here Mr. Sullivan say this—"The new Government which they had now made professions that would win over the Irish, but they had asked for a little time. The Irish party did not think that an unreasonable request." Did you hear Mr. Sullivan say words to that

effect?—He said—"Now, my friends, this brief Session of Parliament that we have had was but the preliminary canter of the new Irish party. If a Tory Government had been in power, we would have shown them what we could do, but a Government is now in Parliament which professes an intention to deal fairly by the Irish people, and they ask from us, my friends, a little time. They say—give us a little time, we have come suddenly into power; we have not had time to frame our measures; wait and see what we will give you, and deal with us accordingly, Well, now, we have thought that that was not an unreasonable request. and although we acted firmly and spiritedly upon many an occasion in that House, still we had a reserve of power and a reserve of plan behind us that we have not yet brought to bear upon this present Administration (hear, hear). But if we find that they are fraudulently deceiving the Irish people, if we find that the Land Bill for which they have told us to wait, is a sham, then we will show them what the new Irish party can do."

Just one question. Did you see Mr. Michael Considine? Was there an address read from the trades to Mr. Parnell?—There was, sir.

The *Solicitor-General.*—You were asked, Mr. Mill, whether the meeting was not peaceable. What did you mean by saying there was no violence or impropriety? *Witness*—Well, there was no sign of drunkenness upon any man. They were quiet.

The *Solicitor-General.*—They were not hammering each other, you say—

Mr. *Macdonogh.*—He did not say one word about hammering.

The *Solicitor-General.*—You did not happen to see a landlord amongst them?

The *Witness.*—I would not have known a landlord, if I had seen him.

The *Solicitor-General.*—The next meeting that you attended, Mr. Mill, was on the 2nd October. Now, on the 2nd October did you attend a public meeting held in the city of Kilkenny?—I did.

Did you see there Mr. Parnell, Mr. Sullivan, and Mr. Sexton?—I did.

Did you hear them speak at that meeting?—I did.

And did you report their speeches?—I did.

From what position did you make your report?—From the same position—on the platform.

Were you near enough to the speakers to hear their speeches, and did you hear their speeches?—I did.

Will you turn to Mr. Parnell's speech, at its very commencement. Just before Mr. Parnell spoke you find a report of the chairman, Mr. Marum. Would you just read what Mr. Marum said, to explain what Mr. Parnell said?

The *Witness* (reads)—"Mr. Crowley, who is not here on account of the crushing on the platform, was to propose this resolution, and in his name I beg leave, please, just to read and propose the resolution, after which you will hear Mr. Parnell:—'That we demand that the proprietary rights of tenantry be duly and absolutely recognised by law in as full and ample a manner as landlord rights are now established, and that the principle of occupation ownership—namely, fixity of tenure and fair rents—so long withheld, shall be at once conceded, pending the attainment of the ultimate goal of our aspirations, namely, that a system of peasant proprietary shall finally restore Ireland to the Irish.'"

The *Solicitor-General.*—Follow now to Mr. Parnell's speech.

Witness (reads)—"People of Kilkenny, the terms of the resolution are such that I cannot quite agree with it; however, I do not think it is of much importance what resolutions are passed at public meetings. The

real importance is to be attached to the character and degree of the work that you set on foot amongst yourselves for the purpose of attaining your ends (cheers), and there is no reason why we should quarrel amongst ourselves as regards the terms of resolutions which may be set before public meetings. At all events they serve a useful purpose in promoting discussion, and in arriving at a common understanding amongst ourselves. I am one of those who believe that it is impossible that the institution of landlordism, with such a history as it has had in Ireland, can possibly survive (cheers), and I think that the Irish people would do well to devote all their energies to its extirpation (cheers). The resolution speaks of the proprietary right of the tenant as well as the proprietary right of the landlord. I think it will be very difficult to establish such a practical system of partnership as will secure and recognise these two joint and different proprietary rights in the land (cheers). The proprietary right of the tenant is the right which he has earned by reclaiming the land from a state of nature, and by making it productive for the benefit of all; the proprietary right of the landlord is a right which he has obtained by force, fraud, and conquest, and it is, therefore, impossible that you should be able in these days, with the history of the past in view, to recognise such different and entirely opposed proprietary rights (hear, hear). Independently of these considerations, there are many others which I could allude to just now, but I do not wish to detain this vast meeting at too great length. I believe that it is not possible to obtain from the Legislature a system of partnership between the landlord and the tenant in the soil. One of them must go. Which is it? The landlords say the tenants must go, and they have sent many hundreds of thousands of the tenant farmers of Ireland from this country into exile (then someone called out, 'We know it well; we will give them their turn now'), and they say still that there is not room in Ireland for the tillers of the soil."

The *Solicitor-General.*—During the speech of Mr. Parnell were there any cries in the crowd?—Yes.

Have you given them as you go on, Mr. Mills?—Yes, I have. (Continues reading.)—"And they say still there is not room in Ireland for the tillers of the soil; but I submit to every reasonable man that it is far easier to remove the few than the many (cheers from the crowd), and that the evidence of the uncultivated though fertile fields which we see in such vast tracts in every part of Ireland with scarcely a single inhabitant, with nothing to show that they were ever populated except the ruins that we see in every direction of the once happy and peaceful homes which existed there (hear, hear), I say that this is sufficient evidence for us to see the absolute necessity which exists for getting our people on to the land, so that they make it produce what it is capable of producing (cheers from the crowd), and if the ownership of the few landlords, the ten thousand landlords, has depopulated these lands and put them back almost into a state of original nature, is it not high time that this ownership should cease, and should give place to a system of land tenure of a kind which will allow the land to be properly cultivated? (Cheers) I believe a system of partnership in the soil to be impossible, and I warn you that if you pursue it you will be pursuing an *ignis fatuus*, a method of solving which you will never obtain from the present or any other Government. If you strive to prop up the system of landlordism by these means, what will the Government do in all probability, they will offer you, as the principal plank in the reformation of the land system some miserable amendment of the Land Act of 1870; and recollect the radical difference which exists between the

Land Act of 1870 and the Ulster Custom as legalized by that Land Act, and the system of partnership in the soil known as the plan of fixity of tenure at valued rents. Now let me point out to you what this difference is. The Land Act of 1870 and the Ulster Custom sanction eviction and injustice by the landlord, but gives the Court power to fine the landlord for inflicting that injustice, but it allows the landlord to do wrong provided he is willing to pay for it. Now the system of partnership or what is known as fixity of tenure with rents valued periodically, provides that the Government shall appoint Courts for the purpose of valuing the rents, and that the landlord shall not be entitled to disturb his tenant so long as the tenant pays the rent appointed by the Court. You will observe that there is a very wide difference, then, between the Land Act of 1870, and the proposition which is made under the name of fixity of tenure at valued rents. You will observe that the lines of the one are entirely different from the lines of the other. Mr. Gladstone, Mr. Bright, and Mr. Forster, have repeatedly declared that they will not go outside the lines of the Land Act in amending the relations between landlord and tenant, that they will not adopt the principle of Government arbitration or Courts for the purpose of fixing what the rent shall be. (Then there was an uproar in the crowd.) If, then, you go upon the principle of maintaining or altering the present system without sweeping it away, you will be given, as I said a while ago, an amendment of the Land Act, and you will not get Government arbitration for the valuation of rent, so that having aroused this gigantic force for the settlement of the land question, you will find yourselves left in the lurch, having fallen short of your mark of fixity of tenure, and not having obtained the abolition of landlordism. (Cheers.) Let, then, your power be directed for the purpose of bringing about a natural system of land tenure in Ireland. Do not waste your resources in striving to prop up landlordism ('never'), but ask for your right, and your right is that the man who tills the soil may own it. (Cheers.) This has been tested before in other countries, and in every other country where the feudal land tenure existed they have substituted ownership for it. Do not, then, tinker with this question, because if you do you will be left pretty much as badly off as you were before. The Government will never agree to value rents between the landlord and the tenant; they will agree to make you the owners if you declare it unmistakably that it is your intention to become the owners, and if you organize yourselves in this county of Kilkenny, if you join the National Land League (cheers), and send us information as to the rents of the tenantry throughout this county, as soon as we get information we will organize a strike against rent on the estate of every rack-renting landlord in Kilkenny. (Cheers.)"

Mr. *Macdonogh.*—"Of every such landlord?"

Solicitor-General.—Have you read it from your transcript as you have it there, Mr. Mills?

Witness.—I have—(continues reading)—"As soon as you form yourselves into branches of the Land League, and send us the rentals, and the poor law valuation of every tenant farmer in the county, we will select out of that number for you those holdings which are obviously paying a rack-rent, and we will come down and assist those tenants to strike against the payment of further rent for some time. But we wish you to do this in a methodical way. You must organize yourselves, you must collect the information and send it to us, and then we will select a certain number of landlords in this and every other county, and we will call upon the tenantry on those estates to refuse to pay any

more rents until those rents are permanently reduced, and we will stand by the tenantry in this struggle; we will help you with all the resources at our command, and there are millions of your countrymen and countrywomen in America who will help you also (cheers), who will send you money to keep up this struggle as long as you bear yourselves like men, and then when we have found out these bad landlords"——

Mr. *Macdonogh.*—Are the words "bad landlords?"

The *Witness.*—Yes.

Mr. *Macdonogh.*—I don't think the witness said "bad landlords."

Witness.—I did.

Mr. *Macdonogh.*—Yes, you say it now.

Mr. Justice BARRY.—I distinctly heard him say "bad landlords."

The *Witness* (continues to read)—"And then when we have found out these bad landlords, and have reduced them to their means, and when we have settled the question without any Act of Parliament as far as the bad landlords are concerned, we shall not find it any more difficult to reckon with the good landlords whom my friend Mr. Marum is so anxious about. (Loud cheers.)"

The *Solicitor-General.*—Is the word "means" or "knees"—"and have reduced them to their means"?

The *Witness.*—The word "means" is what I have.

Is that represented by any shorthand symbol?—It is.

Would that symbol represent any other word?—No. He might have said "knee" or "knees," but I took it "means."

You wrote it down as it struck you?—Certainly.

Now, Mr. Mill, would you turn to Mr. T. D. Sullivan's speech?—At the same meeting?

At the same meeting. It is about two-thirds down.—I have it.

The early part I do not think there is anything in, unless my friend requires it to be read. About the second page or so in it you will see what I want you to read.

Mr. *Macdonogh.*—You had better read the whole of it. It would be the shorter time. It would save time; it would save cross-examination very much.

The *Solicitor-General.*—Very well; just mention whatever you wish to have done. [To the witness].—Read from the beginning?—*Witness* (reads).—"Friends and fellow countrymen, I have been asked to support the resolution that you have just heard proposed to you. That resolution gives credit to the earnest section of the Irish party for their action in Parliament, and it expresses censure upon the less worthy portion of them who have crossed the floor of the House to stand"—"stand" there should be "sit," it is evidently a mistake—"in the ranks of the Whigs. ('Hear, hear.') Now, my friends, although some of those members have behaved so unworthily, yet Ireland never had in Parliament so strong, so resolute, and so able a party as that which now exists in independent opposition in the House of Commons. I need not tell you, for you all know, what sort of representatives went from Ireland in former years to the House of Commons, in those bad days when the Irish electors had not the protection of the ballot, and they were forced to come to the poll and to register their votes for men in whom they had no trust or confidence. What class of men are they who then went as Irish representatives to the House of Commons? They were landlords; they were place hunters; they were officers and swells of various kinds (laughter); some of them went for titles; they went to get titles and handles to their names; some of them who were needy and dishonest men went to try and put money in their purses; and some of them who were dandies

and great dancing men, went to try if they could marry fashionable English ladies. Now, my friends, what sort of service could the Irish tenant farmers and Irish labourers and the Irish artisans, what sort of service could they expect to get from such worthless men as those? ('None at all.') They could not expect any honest service, and they never got it from them. No sooner were the Irish people emancipated by the Ballot Act than they went to work upon that rotten representation, and they swept away more than half of them at all events. And I tell you that at the next general election they will complete the work, and sweep away the remainder of them. (Cheers.) Now, my friends, I have seen that Irish party sitting rank on rank steadily together in the House of Commons at all hours of the day and at all hours of the night, and I have seen the alarm and the consternation with which the English ministers looked at them from the ministerial benches. They thought when the night was growing late, they always thought it was time for those Irish members to go home and go to bed; but our men stuck to their posts. Well, now, I can tell you that those members of Parliament I speak of are a great puzzle to the ministers of England, for they do not know how on earth they can get round them. Those men do not ambition English titles; they do not want to be called Sir Pat, or Sir Joe, or Sir Jack. (Laughter.) There is, to begin with, the resolute and incorruptible Charles Stuart Parnell (cheers); he wants no rank or title from English ministers; he has a higher rank and a higher title from the people of Ireland. Well, now do you think Joe Biggar wants a handle to his name? (Laughter.) I do not think he does. There is honest Richard Lawlor, of the Queen's County, a man in whom the love of Ireland is inherent; a man whose sole devotion and sole ambition, as it was that of his father before him, is to help in raising the condition and elevating and improving the condition of his fellow-countrymen. (Cheers.) There is his worthy colleague, Arthur O'Connor, and there is the bold orator you have heard here to-day, Mr. T. P. O'Connor."

Mr. Justice FITZGERALD.—Do you think all this is necessary, Mr. Attorney-General? I am afraid the trial will terminate about Easter next if we read all these speeches.

Mr. *Macdonogh.*—I shall be happy to comply with your lordship's suggestions as far as my duty to my client permits.

Mr. Justice FITZGERALD.—I merely make the suggestion in order that we may save time; but all this is quite outside what we have to determine.

Mr. *Macdonogh.*—I shall have to ask the witness to read some passages.

The *Solicitor-General.*—He has now arrived, my lord, at the passage where I was about to have him commence. It would be more convenient now for him to continue the reading, as we would waste time looking for the particular passage now.

The witness then resumed reading as follows:—"These men are a puzzle to the British ministers, because they know that neither bribes nor places nor intimidation can produce any effect upon them, but they will do their business that they have been sent to do in the House of Commons, and their sole hope, their sole desire and ambition of their lives is that Ireland may be able to say to them after their years of service, well done, my true sons, well done, my faithful servants; we trusted you, and our trust has not been betrayed. (Cheers)."

The *Solicitor-General.*—Now, here's the passage I was about to begin with.

The *Witness* continues reading:—"Now, my friends, I am glad to see this great assembly of the men of the county of Kilkenny here to-day, because it is necessary for the success of this great movement that it shall not be localized, that it shall not be a thing of the east, or of the west, or of the south, but that it shall be a movement universal over the face of Ireland, and it would never suit for us to be labouring for the Irish people in other parts of Ireland, and to have it thrown in our faces that the ancient, the great, and the historic county of Kilkenny was out of it, was indifferent to it, and was lying asleep in slavery while all the rest of Ireland was awake for freedom."

The *Solicitor-General*.—Now, stop there, and proceed to about the commencement of the next page.

The *Witness* reads—"The rents they have been paying all over Ireland in all parts of Ireland are too high, five times too high. People say to me that Griffith's valuation might well be taken as the standard of rent. I say that Griffith's valuation is too high a rent (cheers), and I will prove it to you. On what is that valuation based? Is it not based on the land as the valuators saw it? Does not it take account of the whole condition of the land as it came before the eyes of Griffith's valuators? Of course it does. Well, then, if that be so, the valuators valued all the improvements of the land. Griffith's valuators valued all the improvements of the land as they saw it. Well, now, who made those improvements? Was it the landlord who made them? ("No.") No; the landlords did not improve the soil of Ireland, the landlords did not improve the fields and the farmhouses of Ireland; that was done by the tenantry of Ireland. Therefore the landlords have no right to a rent that is based upon all those improvements (hear, hear). Now, I may be told that some of our modern landlords bought this property and paid their money for it, and therefore they are entitled to pay those rents for this land. But I say, no; because, if they bought those farms in the open market and paid their money for them, they were buying stolen property; and the law says that the buyers of stolen property have no right to keep it when the true owner comes and claims it from them. Now, my friends, neither you nor we"——

The *Solicitor-General* (interrupting).—That will do for Mr. Sullivan's speech. Will you turn to Mr. Sexton's speech please. It is very near the end. He is the last speaker but two.

The *Witness*.—I have it.

About half a page down you will find a passage commencing—"I ask you to fall into the ranks"?—Witness (reads)—"I ask you to fall into the ranks and help in the fight yourselves. Form to-day a branch of the Land League in the county of Kilkenny; begin that work of embodiment of the tenant-farmers of Kilkenny which will bring them into sympathy with the harassed tenantry of Ireland. Believe me, there is nothing to be done with the Parliament of England until the tenants of Ireland first prove by united and determined action that they are able and resolved to settle the question for themselves. What is the work the Land League has to do, the branch of the Land League that is now about to be founded in this county? Its first work is the work of organization, that is, to band together in one solid union the tenant-farmers of this county; and when the tenant-farmers of this county join with those of the other counties, and when we have spread these Land Leagues from north to south and from city to city across the surface of the island, then show me the landlord that will be able to assert his tyranny. The Land League has also to perform work of inquiry. We are met in the House of Commons by

scoffers and by skilled rhetoricians who are skilled in making falsehood appear to be the truth; but if you will help us in collecting facts, in showing what landlords are harsh, and telling us what tenants suffer, in laying the facts and the truth before their representatives, I promise you that when tyrannical Tories and selfish Whigs speak in the House of Commons our tongues will not be wanting to tell the truth. Now, lastly, the Land League has a work of protection to perform. Besides the organizing of public opinion, they will prevent any man, a cowardly wretch, from behaving as a traitor to the public interest, and from committing the political sacrilege of taking a farm from which a tenant has been unjustly evicted."

The *Solicitor-General.*—That will do. That is all I have to ask him.

Mr. *Macdonogh.*—I shall merely, my lord, require the reading of one passage that occurred at this meeting.

Mr. Justice FITZGERALD.—Mr. Attorney, as far as I recollect, the usual course is this, that you read such passages from a speech as you wish to refer to; but if you put in the whole speech there is liberty to the defendants to be heard to any part of it.

Mr. *Macdonogh.*—That is so, my lord.

Mr. Justice FITZGERALD.—That is the usual course. All I am anxious to do is to save the public time as far as practicable.

Mr. *Macdonogh.*—Your lordship, I hope, sees I am desirous to assist in that.

Mr. Justice FITZGERALD.—I am sure of that.

Mr. *Macdonogh.*—But I cannot deviate for an instant from what I consider essential for my clients.

Mr. Justice FITZGERALD.—I do not ask you to deviate from any line of duty you consider necessary on behalf of those you represent. I am suggesting a course which may save a good deal of time.

Mr. *Macdonogh.*—I have only to ask the reading of a single passage, if the Court permit it, following out what I consider your lordship's wishes are. Will you be good enough to read the passage from the letter of the Bishop of Ossory read at that meeting.

The *Attorney-General.*—I must object to that, the Bishop of Ossory was not at the meeting.

Mr. *Macdonogh.*—The whole transaction at the meeting is evidence. Take you the opinion of the Court on that. Surely, when the gentlemen are charged with this offence, the entire meeting is offered in evidence against them, and isolated passages are read, and to say that the whole is not before the Court would be trying people in an extraordinary mode. It would be, as Lord Erskine said, indicting a man for certain passages in the Bible, of which he should be necessarily convicted, instead of publishing the whole context. If we are to get nothing but what we are to be convicted upon, the only course to adopt would be to insist upon everything being read. I do not wish to do so, but I think it is plain that anything that occurred at that meeting is part and parcel of that transaction; and my lord, your lordships will please to observe, that they have read the speeches of persons who are not traversers—several of them. Are we to be told the jury are to have but one little view of the case. My lords, I submit it is perfectly plain.

The *Attorney-General.*—My lord, I submit this is a settled matter. The evidence given against the traversers is the language used by themselves, or by others in their presence. What other people who were not at the meeting, said and wrote is no evidence at all. They might as well bring in the prayers said by them in the morning ——

Mr. *Macdonogh* (interrupting).—The very rule stated——

The *Attorney-General*.—Pardon me, for a moment. I am addressing the Court and do not interrupt me. We are not giving the meetings in evidence, to use the ambiguous expression of Mr Macdonogh, we are only referring to those meetings as occasions in which speeches were made by the traversers or in their presence. If Mr. Macdonogh says he merely requires the context to be given, he is perfectly right. When we offer in evidence the speech one man makes, it is not necessary to say somebody else made a different speech.

Mr. *Macdonogh*.—If the rule be what I state I am clearly right, namely, that what was said and done in the presence of the traversers is evidence.

The *Attorney-General*.—It is not everything said and done in their presence——

Mr. *Macdonogh*.—You complained of interruption. I complain now.

The *Solicitor-General*.—I do not know if Mr. Macdonogh is about to reply. If so I would like to say a few words. Mr. Macdonogh said every speech referred to might be given in evidence.

Mr. Justice FITZGERALD.—I understood Mr. Macdonogh to refer to the learned attorney's statement.

The *Solicitor-General*.—If I read a passage from a speech I must give the full speech in evidence, but not what took place between other persons. If I was reading in an action of libel in a newspaper, it is well settled my lord that in reading the libel I should not allow the person charged to refer to any other passage in his newspaper that does not refer to that libel. The bishop's letter as far as it is referred to in any speeches we have put in evidence may be read; but my learned friend is not correct in point of law to ask your lordship to hear it.

Mr. *Macdonogh*.—May it please your lordships, allow me to remind you of a fact——

Mr. Justice FITZGERALD.—The rule we are inclined to adopt, Mr. Attorney, is this—having regard to your statement—your very clear and able statement—we think the character of those meetings is essentially a part of the case. You rested a great deal upon organization—the organization got up, as you represent it, by the defendants—which is represented by the defendants, and the general character of the meetings at which these speeches were delivered. We have therefore decided that the defendants ought to be at liberty to refer in evidence to these matters, and to matters referring to anything that occurred at the meetings tending to qualify anything said by the speakers. I have very often seen in the morning papers an interminable correspondence; it would be waste of time and very prejudicial to the defendants if the whole of this correspondence was to be put in evidence, but the general character of the meetings, and anything that occurs tending to qualify them ought to be freely referred to. I presume you are now about to refer to some passage in a letter read at the meeting.

Mr. *Macdonogh*.—I will just refer to one fact, the first speech read in evidence was Mr. Marum's speech——

The *Solicitor-General*.—It is too bad that the statement should be reiterated.

Mr. *Macdonogh*.—But the fact is as I have stated.

The *Solicitor-General*.—It is not part of Mr. Marum's speech.

The *Attorney-General*.—Mr. Marum made no speech.

Mr. Justice FITZGERALD.—The intended speaker was absent. Mr. Marum moved a resolution, and said Mr. Parnell would speak.

Mr. *Macdonogh*.—I will ask this gentleman to read a part of the

letter of the Right Rev. Dr. Moran, Bishop of Ossory, to the secretary of the meeting.

Mr. Justice BARRY.—This is not a proceeding for a seditious libel. The speech is simply evidence of an organization characterized as illegal, and it would seem to be a limited view of the law of evidence to confine yourself to a single sentence and shut out all the surroundings of the speaker at the time.

The *Attorney-General.*—Suppose someone stood up in turn and objected to every word spoken by Mr. Parnell, it would not affect his speech.

Mr. *Macdonogh.*—Read the letter of the Bishop of Ossory to the Secretary of the Kilkenny Tenant-Farmers' Association.

Witness reads.—"Sir, I wish every success to the public meeting on the land question which has been convened for to-morrow under the auspices of your association. The present time is one of grave crisis for our tenant-farmers, and it is most just that in a peaceable and constitutional way they should show their determination to defend their interests, to assert their rights, and to redress their grievances. The leading statesmen of the empire have not hesitated to avow that the laws which regulate the tenure of land in this kingdom are unjust. Such injustice must be remedied. Our tenant-farmers, by their skill and industry, as well as by their labour and occupancy and capital, have acquired rights in their holdings. These rights have been very well called a coproprietorship, and it is the duty of the Legislature to respect and defend them. The waste lands of this country have yet to be reclaimed. Hundreds of thousands of acres lie waste and abandoned, and only await the co-operation of a benevolent government to be changed into smiling homesteads. Absentee landlords are the occasion of a great drain on the resources of the kingdom. It is not without precedent that a special tax should be imposed on such absentees, which might well be applied to reclaiming the waste lands, and otherwise promoting the welfare of our people. Some landlords insert clauses in their leases by which the tenants are compelled to covenant themselves out of the benefits conferred on them by Mr. Gladstone's Land Act.

"Such clauses may be within the letter of the law, but they certainly are contrary to its spirit, and our Legislature should declare them null and void. In many cases the rents which are required from the tenants are exorbitant and unjust. The protecting mantle of the law should not be extended over such usurious contracts, and any rents which are above a fair Government valuation should not be recoverable in the Civil Courts. Indeed, it seems to me that legislation on this head should be retrospective, and that the rackrents exacted from the tenants during the past 20 years should be restored to the tenants, or otherwise should be commuted as payment by instalments towards the purchase by the tenants of the fee-simple of their holdings. As the meeting will be held under the auspices of the Tenant Farmers' Association, we have the best guarantee that its proceedings will be characterized by concord and common sense. There never was a period in our history when it was more necessary that the wise motto should be inscribed upon our banners 'He who commits a crime is the worst enemy of his country.' And whilst we leave nothing undone to urge our claim for justice upon the attention of the Legislature, it must never be lost sight of that the surest means for redressing our grievances and for asserting our rights is to avoid everything like injustice, and to continue, as the people of this country have most scrupulously done in the past, to respect the rights of others. Believe me to remain your devoted servant, Patrick F. Moran, Bishop of Ossory."

Mr. Justice FITZGERALD.—I don't think that qualifies or explains anything; it shows very extreme views on the part of the Bishop.

Mr. *Macdonogh.*—You will kindly remember that they read portion of the pastoral.

Mr. Justice FITZGERALD.—We admitted so much as was referred to by the speaker.

Mr. *Macdonogh.*—I am anxious to comply with the very just and legal desire to avoid bringing in extraneous matter, but whilst I shall endeavour to conduct the case on that principle, yet, at the same time, we ought to be furnished with copies of the isolated passages that they read.

Mr. Justice FITZGERALD.—Mr. Attorney, I think every facility ought to be given.

The *Attorney-General.*—Certainly. Each morning we will give your lordships and the defendants copies; I don't know whether the same courtesy might not be extended to us and to your lordships—if they gave us one of those large green books, but I won't press that.

Mr. *Macdonogh.*—If my learned friend exchanges briefs I'll give him this (indicating).

Mr. *O'Brien.*—One question—in Mr. Sullivan's speech is there this passage—"As long as he could remember there was a land question in Ireland, but they meant that this land movement should be the last of them, and the Government might as well make a clean job of it."

The *Witness.*—At the Kilkenny meeting?

Mr. *O'Brien.*—Yes, read the last ten lines.

The *Solicitor-General.*—It commences—"Now my friends I am glad to say."

Mr. *O'Brien.*—I will read—"As long as he could remember, there was a land question in Ireland, but they meant that this land movement should be the last, and that Government might as well make a clean job of it."

The *Solicitor-General.*—My learned friend has not it accurately.

The *Witness* reads—Now as long as I can remember there has been a land question in Ireland, from my youngest days I have been hearing of tenant-right agitations, and of tenant-right movements, and from my earliest days I have been hearing of rack-renting, of eviction, and of emigration. Now it is time that we should have an end to all this. The Land Act of 1870 was only a poor and partial measure. Now that we are engaged in another tenant movement, we mean that it shall be the last of them, we mean that it shall finish the work and leave no more trouble, no more anxiety, no more persecution for the Irish people to undergo. (Hear, hear.) And I tell the British Government from this place that as they are once again at work on the Irish tenant question they may as well make a clean job of it. We want no measure from them which in a few years will have to be patched and tinkered up again, and I tell Mr. Gladstone that it will be just as easy for him to pass a real measure of land reform as it will be to pass a sham measure or a half measure through the House of Commons." (Hear hear.)

The Court then adjourned for luncheon.

(On resuming, the examination of Mr. MILL was continued.)

The *Solicitor-General.*—Did you attend the meeting in Cork on the 3rd October last?—Yes.

Were you in a position there to report accurately?—Yes.

Did you report the speeches of Mr. Parnell and Mr. Sullivan?—Yes.

And of Mr. Arthur O'Connor and Mr. Enright?—Yes.

Turn to Mr. Parnell's speech?—I have it.

Read the first paragraph?—(*Witness* reads)—"Fellow countrymen, after the magnificent demonstration with which you have honoured me, it would not be proper to detain you at any great length. The people of Ireland are to-day engaged in a great struggle, a struggle for the land of their country which was wrested from them seven centuries ago by force of arms. We believe that we shall, in the course of a short period obtain that restitution of the land of this country which is due to the people of this country. It is our duty to arouse Ireland upon this question, to attract the attention of the civilized world to the pressing wrong and grievance which exist to-day in every quarter of Ireland; and when we are asked for a plan we say that it is not our business to formulate plans. We are not the Ministers of England who arrogate to themselves power over our country. It is our part to teach the people of Ireland what their natural rights are in respect of the land of Ireland, and we will have no tampering with landlordism. That institution, created for the purpose of maintaining English rule in Ireland, and for the interests of the few against the many, will have to fall."

Now read the last paragraph?—(*Witness* reads)—"Perhaps during the next Session of Parliament the Gladstone Ministry will find itself unable to settle this land question. I think that is exceedingly likely. I think that it is very probable that the present Ministry will offer us some worthless concessions not worth our acceptance; but I feel sure that, in that case, the longer the settlement of the question is delayed the worse terms the landlords will get. It would be better for them to come forward now and to offer fair terms to the Irish tenants, for I tell them that if they do not, we shall soon be in the position of victors, and shall be able to dictate our own terms. While, then, some of the old habits of subservience still remain amongst the Irish tenantry, and slavish obedience, it is time for the landlords to come forward and to make their propositions. We have made ours, and we say that, interested as we are in the welfare of the shopkeepers of Ireland, the artisans of Ireland, the trading community of Ireland, the merchants, the labourers, and every class who earn the right to live in this country by hard work, either physical or mental, we say that, interested in the welfare of these classes, determined to do our very utmost to make Ireland great, glorious, prosperous, and free, to take the power of governing Ireland out of the hands of the English Parliament and people, and to transfer it to the hands of our own people—determined as we are to achieve these ends, we believe that we can only achieve them by making the land of Ireland as free as it was when the waters of the Flood left it."

Were the speeches delivered from a platform?—No, from a carriage.

Were the speakers near enough to hear each other?—I beg your pardon—from the platform?

Were they near enough to hear each other?—Certainly.

Now turn to Mr. O'Hea's speech at the same meeting. I want the resolution that he proposed.

The *Witness* reads.—"That we pledge ourselves never to take a farm from which another has been evicted, or which has been surrendered for the non-payment of an exorbitant rent."

Now proceed to Mr. Enright's speech.

The *Witness* reads.—"I beg to second the resolution proposed by Mr. O'Hea, from Skibbereen, and if any tenant has the presumption to take a farm from which another has been evicted, I would put him into the hands of the honest crowd here."

A *Voice*.—"We'll kill him."

Mr. Arthur O'Connor was the next speaker. "Now, my friends, how changed is the scene." Read that.

Witness reads.—"Now, my friends, how changed is the scene. I come back after an absence of twenty years, not to look upon evicted tenants, but to look upon the people united and determined, with these words upon your lips, "We will abolish the power of eviction." My countrymen, that power will be abolished if you and the people of Ireland will stand to us Members of Parliament who have vowed in our hearts that, come what may, we will face every difficulty and every danger, and we will face any amount of threat or attempted intimidation at the hands of the British Parliament or the British Government, or of any other power in the assertion of your rights (cheers). If you stand by us your victory is assured, not our victory, but yours; but if you do not you will furnish our enemies with the strongest argument which can be brought against us."

A *Voice*.—"We will go to the point of the sword with you."

"What you have to do to put down eviction is to show the landlords that eviction even for them will not pay, because the farm from which a tenant has once been evicted shall from this day forth be left to the crows, for no man shall touch it" (cheers).

The only other speaker was Mr. Sullivan. Read that part of his speech commencing "I need not tell you that good and true men."

Witness reads.—"I need not tell you that 'good and true men' are tired of that accursed system, that system that has doomed so many of our virtuous and patriotic people to hardships untold, and to miseries that no pen could describe, or no tongue could utter, and I hope, my friends, that the great and magnificent demonstration which we have witnessed to-day sounds loudly and clearly—loudly enough to be heard, not only over Ireland, but through England and Scotland, and over the vast continent of America—the death knell of Irish landlordism. My friends, what are these people talking of? What censures are they casting upon this just and necessary and holy movement? They say it is inimical to life and property; they say it is confiscation, that we aim at Communism, and I know not how many other bad things. But I tell you the object of this movement is to preserve life and property in Ireland, and I say that the men who have been throwing these taunts in our faces are the men who, for years, and for generations, have been robbing the property of the Irish people, and sacrificing their lives. Badly it becomes them to talk of confiscation; badly it becomes them to talk of the protection of life and property. The Land League wants to protect the lives of the Irish people and the property of the tenant farmers of Ireland, and they are the true protectors of life and property in this country. They talk of crime and outrage while our blood is on their hands; and they dare to talk of plunder. How came they by our lands? My friends, my heart enlarged and expanded as I saw the men of the county of Cork gathered here to-day in this glorious demonstration. I was glad to see the evidence that this righteous movement for the salvation of the Irish people is spreading through the length and breadth of this great county, and that now the Land League has extended its branches from Dublin to Galway, and from Skibbereen to Carraroe. I ask you, for your own sakes, for the sake of your country, and for the sake of your children, to stand by this movement, to sustain it, and to spread the branches of this League, the members of which have no design under heaven but the welfare of their own countrymen. Stand together, and the combination of the Irish people in this movement will

be irresistible, even if the troops, backed, I will not say by all the bayonets of England, for they are but a handful compared with the armaments of Europe; but I say to you, that if you stand together, combine together, and act together, not all the bayonets of the German Empire will prevent this movement" (cheers).

Was that a large meeting?—Yes.

The largest you know?—The demonstration was, but the meeting was not.

It was held in the Park?—Yes.

Cross-examined by Mr. *Macdonogh.*

I need not say, Mr. Parnell spoke at that meeting?—Yes.

And he left the platform immediately after finishing his speech?—I could not say that.

You do not know that?—I do not.

The *Solicitor-General.*—Now, the next meeting is Longford, on Sunday, the 17th October, and the only speech that I need trouble the Court with is Mr. Parnell's; you reported this, and I suppose had similar opportunities of reporting it correctly, so that I need not be repeating those questions?—I had.

You see the passage commencing "The Land League, the National Land League of Ireland, which I represent here to-day"—Read from that?—Yes.—"The Land League, the National Land League of Ireland, which I represent here to-day, has not yet decided where along this long line we shall halt. The extreme limit of our demands, when the time comes, must be measured, as I have said repeatedly in other places already, by the result of your exertions this winter (cheers); and you may depend upon it, you may rely upon it, that whatever your exertions entitle you to claim we will press for with vigour, determination, and with success (cheers.) The nature of the settlement of the land question depends entirely upon yourselves. The Government have no notion yet how they are going to settle it, and they will not make up their minds until they see what you are going to do. They may, perhaps, as they have already done, by sending extra Constabulary to the counties of Mayo and Galway (groans), attempt a little terrorism while they are making up their minds; but the terrorism will amount to very little, and they may as well strive to keep back the tide with a pitchfork as to stem this wave of land agitation by sending extra police into the counties or putting agitators into prison (cheers.) By the way, this sending of extra police, or at all events the attempt to make the counties pay the cost of extra police,——

You need not mind about the police—there is nothing in that. If you would proceed to the next paragraph but one, "We hear a good deal of talk during the last few days"?—(Witness reads)—"We hear a good deal of talk during the last few days about threatened prosecutions. I think it is exceedingly likely that the Government would wish to get some of us into prison if they could before summoning Parliament to try and re-enact coercion. (Cries of 'Never,' and 'Down with them.') But let me tell you the surest way to keep me, and men like me, out of prison. It is quite true that the Government can imprison a few or a few hundred individuals, but it is impossible for them to imprison the Irish nation. (Loud applause.) The way, then, to show them the hopelessness of attempting to prosecute me is to show them an organized and a united Ireland; and if by next November, when it is said that these prosecutions are going to commence, the country is organized in such a way as to show that you will be well able to spare us, and to

carry on the work which we have commenced without us, you may depend upon it we shall win. Such proceedings are only effectual with a disorganized and a disunited people, and if you take our advice, and organize yourselves by parishes, you will see that that is the best way to secure both your own safety and the safety of your leaders."

Now, at the very close, just read the last paragraph, "We call to-day, 28 years after those words were spoken, we call upon the Irish constituencies," and so on?—(*Witness* reads)—"We call to-day, 28 years after those words were spoken, we call upon the Irish constituencies to send us a party to the House of Commons that will carry out the policy of Frederick Lucas to the bitter end, if it should be necessary (cheers); and we promise you that with such a party of Irish representatives, instead of being a byeword and a disgrace to Ireland, as it has been in times past, it will, at least, be some assistance to the noble exertions that the people are making to-day ('bravo'), and that this party will be a compliment to the people of Ireland, and that after we have succeeded in destroying landlordism, the chief prop to English misrule, we may be able to go further, until we have obtained the restitution of our legislative independence robbed from us in 1798."

That was also a large meeting, I suppose?—Oh, a very large meeting.

Cross-examined by Mr. *Macdonogh*.

Be good enough to read the letter which was read from the Rev. Matthew Columb, Parish Priest of Killashee, beginning, "Yesterday I received your invitation to the land meeting to be held in Longford to-morrow"?

The *Attorney-General*.—Have you got a report of it first?—I will see if I have.

Mr. *Macdonogh*.—Mr. Gallagher read the letter?—Yes, I have it here.

Then be good enough to read it?—I will,—(reading)—"In reply to your letter of the 12th, I beg to say that I yield to no one in my desire and determination to promote"——

Mr. *Nolan*.—That is Mr. Errington's letter—it is after that.

Mr. *Macdonogh*.—If he has it he will read it. I am sure this gentleman will tell the truth. Have you found it?—Yes. [Reads]—"Dear sir, yesterday I received your invitation to the land meeting to be held in Longford on to-morrow."——

The *Solicitor-General*.—Pardon me; as I understand the rule your lordship laid down, it was that any matter which referred to anything tending to qualify or explain the speaker's intentions could be read as evidence.

Mr. Justice FITZGERALD.—Or anything that shows the character of the meeting—and that embraces almost everything.

The *Solicitor-General*.—Oh, very well, my lord, then I won't interrupt.

Mr. *Macdonogh* to Witness.—Pray now proceed? (*Witness* reads)—"The next letter I will read for you is from Father Collum. (Cheers.) 'Dear sir, yesterday I received your invitation to the land meeting to be held in Longford on to-morrow. I regret, in consequence of the very short notice, it will not be possible for me to make arrangements to be present, but I count upon you to be good enough to assure your committee that my absence does not at all imply disapproval of the agitation. I know nothing in connection with the present land movement that I could honestly bring myself to deplore, except its necessity as a means to reform. I am convinced that but for this movement there would be

no hope even now of passing through an English Parliament a radical reform of a land system which is admittedly unjust and incompatible with the contentment and prosperity of our country. The agitation both strengthens the hands of the Government to carry through such a measure, and, at the same time, forces them to take that measure in hand at once. In face of the present state of affairs they must either do one of two things: They must either follow the advice of the landlords —go back to coercion.' (Groans.) 'Deprive millions of Constitutional freedom, make the country, in the words of our Goldsmith, 'a land of tyrants, and a den of slaves,' or else, dreadful alternative, they must pass a good Land Bill, and so remove the cause of the present agitation, and with it all the misery that has made this agitation possible. Now, as no Government having any claim to statesmanship would think of adopting the former course, the present Government is almost certain to follow the latter, and to give us what but for the agitation they dare not propose, a really comprehensive Land Bill.' ('Hear, hear.') 'Such a Bill, in my opinion, should consist in the following. First, to establish free trade in land; second, disestablish absenteeism; third, put an end to rackrents; fourth, reclaim the waste lands, and fifth, provide for the planting of peasant proprietors on every spot that may from time to time become available for that purpose. In conclusion, because I heartily wish your meeting may be a success, I express a hope that nothing may be said or done at it that can reasonably give pain to anybody. Public meetings may deal with principles, but I would have nothing to say to individuals. Faithfully yours, Matthew Collum, Parish Priest of Killashee.'"

You did not read the entire of Mr. Parnell's speech at that meeting?—No.

Then favour me with the passage commencing:—"Between the men on the one hand who ask the Government to fix the rents which the tenants shall pay"?—Can you give me any guide to the position of the passage? I have not got it marked in my manuscript.

The *Solicitor-General.*—It is about ten lines before the first passage you read for us.

The *Witness* (reading)—"Between the men on the one hand who ask the Government to fix the rents which the tenants shall pay as a never ceasing tax to the landlord, and those land reformers on the other side who claim that the tenants by paying rackrents for many centuries have long since paid the landlords the fee simple of the land, (cheers) and like the Bishop of Ossory, consider that in many cases the question of restitution from landlord to tenant now presents itself, rather than one of payment from tenant to landlord; between these two sets of land reformers, I say, one representing the low-water mark of land reform and the other representing the high-water mark of land reform, there is a long interval."

Mr. *Macdonogh.*—Go on please.

The *Solicitor-General.*—He has just read the next passage already. Surely he need not read it twice over.

Mr. *Macdonogh.*—Oh, no; but there is a quotation from Lucas which I wish to have read. "Mr. Lucas, the friend and colleague of Sir Charles Gavan Duffy," do you see that?—Yes.

(*Witness* reads)—"I am not one of those who wish to attribute too great virtues to Parliamentary policy (hear, hear), but I do think that so long as the Irish members go to Westminster they had better go as Irishmen, and not as the servants of the English Government; and in giving you a definition of Parliamentary policy I do not think I can

do better than quote the words of Mr. Frederick Lucas, spoken at the Meath meeting in 1852. Mr. Lucas, the friend and colleague of Sir Charles Gavan Duffy, was one of the single-hearted leaders of the old independent party of 1853, and when he was asked for a definition of his policy, these were his words: 'In carrying out this policy I have been asked what my views are about opposing the Government. I pledge myself now to oppose every Government that will not make something that is at least equal to Sharman Crawford's Bill the Cabinet question. In my opinion there is no good to be done except by the most decided, unrelenting, persevering, troublesome opposition to every Government until they do justice to Ireland. They have got in Westminster a constitutional system of which a principle is that what almost every man recognises to be justice shall be done to the people of England. In that constitutional system Ireland is an anomaly, because what the people of this country know to be justice the people of England are opposed to, and do not wish to have it conceded (groans). Now, if they insist on uniting the English and Irish Parliament, which in my judgment and conscience I believe to be a gross wrong, if they insist on a Parliamentary union between the two countries, my earnest conviction is that it is the duty of the Irish part of the representatives to act as a separate element in that legislature, disordering, disorganising, interfering with every business that may be transacted, as far as it is prudent or possible to do so, and tormenting this unjust and anti-Irish House of Commons until they find it their interest to do justice to us. I will have nothing to do with any Ministry, no matter of what party, except, indeed, to oppose them, which I will do very constantly, until they make the concession of justice to the tenant farmers of Ireland part of their acknowledged policy.'"

Mr. *Macdonogh.*—That is Mr. Lucas' question—that will do, sir.

The *Solicitor-General.*—Now, take the Galway meeting of the 24th October.

Mr. *Peter O'Brien.*—I would ask that the speech made at the Longford meeting by Mr. Justin M'Carthy should be read.

The *Attorney-General.*—I submit not. We offer in evidence a speech, for example the speech of Mr. Parnell at a certain meeting, conceiving that it affords evidence in support of the charges in this information; and my friend, Mr. O'Brien, now proposes to put in a speech made by somebody else at the meeting. I don't see how that can point to the real question in issue.

Mr. Justice FITZGERALD.—We would hear what Mr. O'Brien has to say.

Mr. *O'Brien.*—It shows the character of the meeting.

Mr. Justice FITZGERALD.—That may be shown by the resolutions.

Mr. *O'Brien.*—This speech is a commentary upon the resolution. Mr. Justin M'Carthy seeks to enforce the resolution by a certain line of argument.

Mr. Justice FITZGERALD.—If this is persevered in, I must only remind the Attorney-General again, that it really applies to both sides, and that he will be at liberty to use against the defendants every letter read at those meetings. You must take it with that announcement.

Mr. *O'Brien.*—And the learned Attorney has already largely relied upon speeches made by others than the traversers.

The *Attorney-General.*—Because, as I take it, the rule of law is, that having joined in a conspiracy, the traversers are responsible for the acts of their co-partners. But it is no answer to an objectionable speech or speeches, to say that an objectionable speech was made at the same meeting by some other person.

Mr. Justice FITZGERALD.—It will be remembered that this rule applies on both sides. Now proceed.

Mr. *Macdonogh.*—And so we admit, and they have already given in evidence, I would remind the court, the very cheering of the crowd, and every exclamation that would show the character of the meeting, and unjustly so to do.

The *Attorney-General.*—That is not a proper remark of my learned friend—that it is unjust that the reporter, reading his manuscript, should say when and where cheers or any other observation occurs. It has been ruled so often in Mr. Macdonogh's presence, that I am surprised to hear him say it is unjust.

Mr. *Porter.*—And it was done, without the slightest objection on Mr. Parnell's part, up to this moment.

Mr. *Macdonogh.*—There was no opportunity for objection—it was impossible to prevent it; but, when the learned Attorney-General was reading the speeches of the other traversers, he did not tell the jury that my friend, Mr. Gibson, at Belfast, was interrupted by some one saying—"Shoot two priests at a time," and that might as well be given in evidence.

The *Attorney-General.*—Not here.

Mr. *O'Brien* (to witness).—Now read that speech—they read the speech of Mr. Arthur O'Connor, at Cork, against us.

The *Attorney-General.*—Don't read it until their lordships rule the question.

Mr. *O'Brien.*—The court has ruled it already.

The *Attorney-General.*—If we were attaching the defendants for unlawful assembly, it would be one thing; but, when the charge here is that they have been engaged in conspiracy, a proof of which is certain speeches which they themselves made, or other people made, and which they adopted by their presence at the same meeting, it is quite another thing.

Mr. *O'Brien.*—This is a speech proposing a resolution, and certainly it shows the character of the meeting—a speech by one of the principal speakers present proposing a resolution and enforcing it by a certain line of argument, and certainly it is evidence.

Mr. Justice FITZGERALD.—Upon the whole, we think that Mr. M'Carthy's speech may be referred to.

The *Attorney-General.*—With all respect that is a misapprehension of fact.

Mr. Justice FITZGERALD.—I understand Mr. M'Carthy proposed a resolution.

Mr. *O'Brien.*—I was wrongly informed. He supported the resolution by a line of argument——

Mr. Justice FITZGERALD.—Go on.

Witness (reading from Mr. M'Carthy's speech)—"My friends, men and women of Longford, I have been asked to offer my support to the resolution which you have heard read, proposed, and seconded. That resolution declares 'That no settlement of the land question can be final which does not provide that each occupier shall be the owner of the soil he tills.' With every word of that resolution I most cordially and entirely concur. (Hear, hear.) And let no one persuade you that in proposing and supporting that resolution we are doing anything opposed to the truest and soundest doctrines of public life and of political economy. (Cheers.) I profess to know something of political economy. I learned some of it from the greatest English economist of our time, a true friend of Ireland while he lived, the late Mr. John Stuart Mill,

and I say that every word in that resolution would have been accepted by him as the sound teaching of political economy. (Cheers.) We all see that some change is necessary, is essential, is inevitable in this country; things have been growing daily from bad to worse; it has come to this, that in a country which might be prosperous and happy, a country well able to maintain by the fruits of her soil a population far larger than she has now, things have come to that pass that the failure of one single harvest reduces us here to something like the level of starvation. I ask you, is not that state of things a scandal to any system of government? (A voice, 'it is.') Does it not prove itself that the institutions under which it grew up and was maintained require some radical and thorough reformation? Does it not show that the relations of landlordism and tenantry in this country are thoroughly evil and bad to the very core of them? Does it not prove to us that a thorough and searching reformation must be adopted? I say that if we read of such a condition of things——

Mr. Justice FITZGERALD.—I really must interpose. I think this is really an abuse of allowing this—it neither qualifies nor characterizes the meeting, nor serves to interpret the speeches read here to-day. If this goes on I must begin to consider in what manner I can get some one to act for me at the spring assizes.

Mr. *O'Brien*.—The witness having read the passage we want I bow to your lordship's ruling most reverentially.

Mr. Justice FITZGERALD.—Go on to Galway.

The *Solicitor-General*.—Yes. Galway, 24th October, speeches by Mr. Parnell and Mr. Harris, two of the traversers. If, Mr. Mill, you have any observations to make in reference to it, correct me so as to save me repeating questions. Turn to Mr. Parnell's speech, if you please, and commence at the beginning? [*Witness* reads]—"Mr. chairman and people of the city and county of Galway, it gives me great pleasure to stand in the county which was the second in Ireland to take up the great movement which was started last May twelvemonth by Michael Davitt, at Irishtown. You have nobly upheld that cause from that day to this day, in the face of every difficulty and discouragement, despite of the famine that threatened to carry you off in thousands last winter; and you will uphold that cause to-day in spite of the thousands of police and military that that hypocritical Chief Secretary and pretended Liberal Government have hurled into this country (groans). If famine was not able to subdue you last winter, neither will the threat of taxation for additional police conquer you to-day ('Never'). Now, your chairman has deprecated assassination and violence as being unnecessary to win your cause, and very properly and justly deprecated it (hear, hear), and at all the land meetings which had been held up to the time when extra police were planted down in the county of Mayo, I also took care to join in that condemnation (hear, hear, 'Long may you live'); but I utterly refuse further to allow any credence to be attached to the charges which have been made against us and our people by the English press, by in future deprecating outrage and crime which do not, and have not existed; and if it were otherwise, I say that the conduct of the Government, in violating the engagement upon which we gave them the votes for the Constabulary, after seven nights' debate, and in sending these extra police into the famine-stricken counties of Galway, Mayo, and Kerry, disentitles them to my advocacy in assisting them to uphold an unjust and an infamous law (hear, hear). What is responsible? Who are responsible for the murders of landlords which have from time to time, at all times in our

history, taken place in this country? It is admitted by everybody that English made law is responsible (cheers), and I say that the people who are primarily responsible for the murder of Lord Mountmorres, if it was an agrarian crime, and of that I have very great doubt, are the House of Lords, who, by rejecting the Compensation for Disturbance Bill, took the arbitrament of this question from the Courts of Law, and placed it in the hands of the people; and the man who is secondarily responsible is this pretended humanitarian Chief Secretary of ours, buckshot Forster, who, when the House of Lords kicked out his bill, and smote him on one cheek, turned to them the other cheek to smite also. He foresaw then, and he publicly stated in the House of Commons, that he anticipated an increase of crime, outrage, and loss of life in Ireland, and yet in the face of that he deliberately refused to keep Parliament together, and to force through the House of Lords a measure which would prevent him from being made the instrument of landlord tyranny and injustice.

"Well, you are left to your own resources, as the people of Ireland always have been left, as far as anything that the Parliament of England ever has done or is ever likely to do for you; and I suppose that we shall witness the usual crop of prosecutions this winter (laughter), the return to the old policy of coercion, which has always been the resort of English statesmen after they have found out that England is unable to govern Ireland. I anticipated this when this great Liberal Ministry came into power, of which we have heard so much, and of whose professions we have heard so many. I expressed my belief at the beginning of last session, that the present Chief Secretary, who was then all smiles and promises, would not have proceeded very far in the duties of his office before he would have found that he had undertaken an impossible task to govern Ireland, and that the only way to govern Ireland is to allow her to govern herself (cheers). And if they prosecute the leaders in this movement, it will not be because they wish to preserve the lives of one or two landlords—much the English Government care about the lives of one or two landlords (cries, 'nor we—away with them all'), but it will be because they see that behind this movement there is a more dangerous movement, to have a hold over Ireland, because they know that if they fail in upholding landlordism here, and they will fail, they have no chance of maintaining it in Ireland, because they know that if they fail in upholding landlordism in Ireland, their power to misrule Ireland will go too. I wish to see the tenant-farmers prosperous; but large and important as is the class of tenant-farmers, constituting as they do, with their wives and families, the majority of the people of this country, I would not have taken off my coat and gone to this work, if I had not known that we were laying the foundations by this movement for the recovery of our legislative independence. Push on then towards this goal, extend your organization, and let every tenant-farmer, while he keeps a firm grip of his holding, recognise also the great truth that he is serving his country and the people at large, and helping to break down English misrule in Ireland (cheers)."

The *Solicitor-General.*—That is the whole of Mr. Parnell's speech from beginning to end. Turn now to the speech of Mr. Mathew Harris, and read the whole of that.

(*Witness* reads)—"Ladies and gentlemen,—I think we have all reason to be proud as Galwaymen, that Galway is one of the three counties that the Government has thought fit to impose their coercion laws upon. (A voice, it is useless.) We have reason also to be proud that in the face of the announcements that have been made, in the face of the

threatened prosecutions, the men of Galway have given such a noble answer to the Government as this vast assembly here to-day undoubtedly has. The threatened prosecutions, your assembling in your tens of thousands show how little you care about either themselves or their prosecutions."

Go lower down to the passage beginning, "I may say, my friends, that although I myself was a very young man at the time."—I cannot find the passage.

Do you see the paragraph about "the agrarian criminal on one hand"? —I do.

(*Witness* reads)—"He has the agrarian criminal on the one hand, and he has the doubly agrarian criminal, the exterminator, on the other (hear, hear). And, my friends, when I came and looked around, and when I seen the desolation that was caused by the exterminator, when I seen the plains that were formerly inhabited by contented and happy people, when I seen such men as Pollock, when I seen the smoking ruins of hundreds of thousands, and when I seen a fine fertile happy country left desolate by a man who is more merciless to his fellow-men than the wildest of wild beasts is to his fellow species; when I seen this, I had to say to myself, which is the greater evil—whether is it better that one bad man should be shot down than hundreds and hundreds —I believe it amounted to 1,200 families—that hundreds of those families should be driven from the face of this fair island; and when I see this extermination, and when I see the weakness of our people, and when I see tyranny triumphing over right and justice, and when I see my fellow-countrymen driven to the four winds of heaven, I say to myself, and I say it here to-day, that if the tenant-farmers of Ireland shoot down landlords as partridges are shot in the month of September, that Mat. Harris never would say one word against them.

"Now, my friends, they are going to commence their prosecutions. Well, let them prosecute away. The truth is the truth, and as long as I stand upon a public platform I shall proclaim it.

"Well now, gentlemen, there is another very important point which forces itself upon the mind of every good man, and it is this. They say we should discriminate between the good and the bad landlords. Well, I would be happy to do so indeed, for I know very many amiable gentlemen, Irish landlords, but those gentlemen will not discriminate themselves. They all hang together just as you would see a hive of bees when they are swarmed; you cannot touch one without touching all; and if you want a proof of this I will give it to you, and if you want a proof that in the aggregate, or taking them all together, those men favour the exterminator as against the good man, I will give you that proof, my friends, for I like to have something solid under my feet as I go on talking, and that proof is this. When this exterminator, Pollock, was at the height of his work, when his hands were red with the blood of the people, he came forward here to become a member of the County Galway Club. Another gentleman of the name of O'Connor, a kindly good Irish gentleman that never quenched a poor man's fire, O'Connor came forward, and both of them went in to become members of the County Galway Club. Well, the Exterminator was put in without a single black bean, and O'Connor, the good man, was rejected and blackbeaned by the great county Galway gentlemen. Now, my friends, the hunting season is coming on, and I think that if the people show themselves properly organized, we will send the Galway Blazers to blaze away somewhere else out of the county. They have forbidden us to fish in our river, they have forbidden us everything

I might say, and it is fully within the power of the people to forbid them hunting throughout this county. It is in the power of every poor man to advertize that his land is poisoned, and as they are so fond of poisoning their bogs, as they are so fond of preventing them from fishing in the river, we will show them that we can be equally selfish, and prohibit them from hunting through this county; and, my friends, if we have to make a choice between the fox and the landlord, I think we should give it in favour of the fox. The fox may come and he may take a goose or two, he may bring perhaps some old ——"—a word I could not hear—"and he does it in his own peculiar style, and very often the laughter that is caused after his getting away, is full remuneration for the loss you sustain.

"But the landlord does not come to take your hen or your goose, but he comes to destroy your families, he comes to destroy your wives and your children, and the very house in which you live; and as Mrs. Gerrard's property has been alluded to; for one thing arises after the other, and in my mind we know this county well; as Mrs. Gerrard's property has been alluded to, there was a field in that property called in Irish the 'Heavenly Field,' and at the time the exterminations were going on, when the"—there is a break here which I cannot make out—"brigade came to level the houses of the people which adjoined this field, what did this man from Mountbellew say? He said, 'It has been called the 'Heavenly Field,' but from henceforth we will call it 'Hellish Field,'' and on that very property when the hearthstones of the people were put in the walls that were built, the poor people going away to America used to come and kiss the stones that were in the walls that that exterminator had taken from their hearths. How long are we to stand all this? How can we go on for ever enduring all these forms of tyranny? No, my friends, you must join together like one man against every form of landlordism, no matter what that form may be; and during these prosecutions, or during the great crisis we are approaching, if we are approaching a great crisis, and we are, except the Government give way, for we shall not give way; during these prosecutions watch every man who shows the white feather—mind him. You have a great principle before you, and men who go forward as the leaders of the people should show themselves while they are the leaders of the people. We have a brave, courageous, and intelligent people behind us, and we should be brave, courageous, and intelligent ourselves, or we cannot hope to succeed. Gentlemen, a card has been put into my hands—it alludes to the inhabitants of the Island of Arran. Now it was said in former times that the King had long arms—meaning that he could reach all of his subjects. Well, we can say of the Land League that it has long arms also, for it has already reached even the Island of Arran. Now, the Island of Arran is making a brave and a manly stand against every hideous form of oppression, for oppression has come to those people in two forms. It has come in the form of proselytism and it has come in the form of extermination, and the first phase of the oppressions has been that the agent there—I do not know his name"—(A voice shouted out, "Thompson.")—"In my speeches throughout this county, wherever there is a bad man, I do not hesitate to mention his name, and I do not hesitate to mention Thompson by name. What does that man do? On these limestone islands, where there is only a thin covering of earth, and where God Almighty in His bounty sends in the seaweed in order to fructify the arid soil, this man has taken from the people that seaweed, without which they cannot till their lands, he has taken it with a view to cut off the supplies which God and Nature gave, in order that

that island may be as barren of people as if it were a bare rock, and it is little better than a bare rock if they be not allowed to take seaweed. Now, I have detained you very much longer than I intended to do, but from this platform I tell the people of Arran that they will be supported by the Land League, that the tyrant Thompson, and every tyrant like him, will meet with men with strength and power enough to stay their hands. Well, gentlemen, I shall not detain you any longer now, only beg to thank you sincerely for the kind hearing you have given me. (Applause.)"

The *Solicitor-General*- -The next speaker was the chairman, and before we read Mr. Harris's speech, there is one passage which you might read from the chairman's observations. Read the first five or six lines of Mr. Tierney's speech.

The *Witness* (reads)—"Gentlemen, you have heard that resolution proposed by Mr. Killen and seconded by Mr. Harris, both men of national and approved principles. However in conformity, and in unity, in harmony and in sequence of the statement with which I commenced the proceedings to-day, I say that the sentiments expressed by Mr. Harris in his pleasureable view of gloating over a parcel of slaughtered partridges in the shape of landlords does not meet with my approval or the support of the Bishop of Galway, whose letter I have the honour of presenting to you to-day, because why"——

The *Solicitor-General*—You need not read more—it is introductory. Now read what Mr. Harris says.

The *Witness* (reads)—"I think it right to explain that I did not utter one word in favour of shooting landlords. What I said was simply this, that at a former period I went, at the risk of my life, to prevent the sort of thing, but that, from my experience up to the present, I could hardly say that I was doing either good or evil when I was doing so, and what I said was simply this, that, if they were shot, I should no longer do as I did in former times, come forward to denounce the men who were guilty of shooting them. I think I made myself as clear on this point as it is possible, and I would be very sorry, indeed, that my friend, Mr. Tierney, or any other gentleman should misapprehend me, because there are very few men more opposed to shedding blood than I am, not alone of landlords, but even of the lower animals."

The *Solicitor-General*—That is all I have to ask you.

Mr. *Walker*—Just read the remaining portion of the chairman's speech, after the words "Because why"?—(Witness reads)—"Grant you that when it is a matter of life and death, and there is no escape for any counties except by arms, take up your arms then and meet your opponents in the face of day; but when you have abundant legitimate means of ousting the landlord's power of exterminating the people by keeping aloof from the land, by not being yourself subservient promoters of the very cause that creates this malignant agitation, and that places the people in the position of misery, of wretchedness, and of want, by competing with one another over each other's heads, and behind each other's backs—I say that the landlord would be more than mortal if he were able to resist the temptations that are put before him by yourselves. Let me hear no more about shooting the landlords until you first rectify your own conduct, and if a landlord evicts or rejects a man, don't present to him a rifle or a bayonet, but taboo his land, taboo himself, keep away from him, do not have anything to do with him, and no one will dare to enter upon his land, but let him enter if he likes into the workhouse. While you have such remedies as those, I cannot advocate, I cannot see the utility nor the propriety of advocating a cause which requires the exer-

cise of might over right; because when you attack a man in the night or in the dark, do it honestly and fairly, or you exercise a principle that I hate in my heart. Right or wrong I do not want an unfair exhibition of might over right, and with those expressions of mine, giving you an idea how far I can go with the sentiments put forward, I put the resolution."

Mr. *Walker*.—You have read Mr. Harris's explanation after the chairman's observations?—I did.

Will you refer now to that portion of the speech preceding the passage read, and affected by what he has explained.

The *Attorney-General*.—He has just read the whole of that.

Mr. *Walker*.—He did not. It is in Mr. Harris's first speech.

The *Witness*.—I am afraid I will have to read the whole speech to get it.

Mr. *Walker*.—No, you need not. Perhaps your eye will catch the names of Mr. O'Connell and Mr. Steel. Do you see the words, "I remember the year 1843?"

The *Witness*.—Yes, here it is:—"I remember, in the year 1843, when Dan O'Connell and Mr. Thomas, Tom Steele, the Head Pacificator, when all their efforts were exerted to put down agrarian crime in Ireland, and it took all their efforts, and it took the efforts of the Catholic clergy, and it took the efforts of every good man in this country to put down agrarian crime at this time; and I may say, my friends, that I myself, though a very young man at the time, I went out into the country at the risk of my life, myself and a young friend of mine—I went out to the Ribbon Lodges and tried to persuade those men to give up their evil ways. Through the instrumentality of O'Connell and through the instrumentality of every good"——

Mr. *Walker*.—That will do, you need not read any more. Now, tell me was Mr. Parnell present during the time that Mr. Harris was speaking—did he not leave the meeting?—I should fancy he did.

Mr. *Nolan*.—I just want, on behalf of Mr. Sexton, to ask one question—were there a large number of clergymen on this platform?—There were not.

Will you undertake to say that there were not more than fourteen?—Certainly.

Did you see the *Freeman's Journal*?—Often.

Mr. *Curran*.—I want you, on behalf of Mr. Nally, to read the opening observations of the Chairman at that meeting—about half way down.

The *Witness* (reads):—"I condemn emphatically everything that in any way has the colour or the character of murder and assassination. Heaven, and the God of heaven, could not look down with complacency upon the cause that required such vile means to support it. I therefore condemn, as much as man can, anything in the shape of violence either to man or property in the carrying out of your desires and feelings."

The *Solicitor-General*.—It was after that that Mr. Harris's speech was delivered?—It was.

You were asked did Mr. Parnell leave the meeting before that speech, and you answered, "I fancy." Have you any distinct recollection on the subject?—I have not.

Now, the next meeting was at Tipperary, on Sunday, the 31st October, 1880. The speakers were Mr. Parnell, Mr. Dillon, and Mr. Boyton?—Yes.

The *Solicitor-General*.—Now, commence at the beginning ——

Mr. Justice FITZGERALD.—Who were there?

The *Solicitor-General*.—I gave the names, my lord—Mr. Parnell, Mr.

Dillon, and Mr. Boyton. (To witness)—Commence Mr. Parnell's speech at the beginning?—*Witness* (reads) :—"Fellow countrymen, when I first had the honour of addressing a meeting in this town of Tipperary we were told that we were suffering from the effects of a very bad harvest, and it was predicted that as soon as we had had a good harvest, the agitation, which it was said had been caused by the bad harvest, would disappear. I am told that the season and the harvest in Tipperary has now been good, and I am glad to see that this meeting, after a good harvest, exceeds by five fold the meeting of last year. (Cheers, and a voice, "We thank you for it.") When you have a good harvest, then is the time to hold it; you had not anything to hold last year, and perhaps the necessity for exertion was not so great as it is to-day. (Hear, hear.) But the people of Ireland are at last coming to see that when they have sown the seed and reaped the harvest, it is their duty also to look after themselves and their wives and the little ones. Somebody told me the other day that the Government had taken a large force of police out of Tipperary and had sent them into the county of Mayo. This has been a mistake which has been made at different times in our history. Agitation and organization have been confined to one or two or three particular counties or districts, and it has been possible for the Government to crush the agitation in detail, by crushing the counties in detail (hear, hear), and I confess it is not a very good sign to see the Government taking police from Tipperary and sending them into Mayo. (A voice, 'We will make them send them back again.') The Constabulary are used, not for the purpose of preserving law and order, but for the purpose of intimidating the people (hear, hear), and preventing them from organising. And because Mayo is the best organized county in Ireland, the Government have sought to terrorize over Mayo by taxing them for additional police; but if Tipperary and every other county in Ireland organise themselves as well as Mayo, they will not able to send 1,700 police into Mayo, they will not have them to send, and they will not be able to inflict an additional establishment upon any county in Ireland. They have only 11,000 police in this country, and that gives an average of about 300 men to each county.

"Well, you see, therefore, that if it requires 1,700 policemen to intimidate a well organised county, it will be an utter impossibility to intimidate all the counties in Ireland if they are organised, because it would require an increase of something like 55,000 or 66,000 policemen instead of only 10,000. I have gone into this little arithmetical calculation for you lest you might be afraid that if you organised yourselves in Tipperary the Government would attack you with extra police. Now this, as I have shown you, cannot be so, because when all Ireland is organised, it will be utterly impossible for them to get enough policemen in Ireland to intimidate the whole country. The two chief planks in our platform are, firstly, that the tenants shall not pay rack-rents, and secondly, that no man shall take a farm from which a tenant has been evicted under such circumstances (cheers). Now, if you carry out these two principles, it will be utterly impossible for any Government, no matter how strong, to prevent the march of progress in Ireland; you must win (cheers.) It is a thing which must happen, and you must ultimately succeed if you simply stick to these doctrines, refusal to pay unjust rents, and refusal to take a holding from which your neighbour or anybody else has been evicted. Don't allow yourselves to be diverted by a discussion as to the best method of settling the land question (hear, hear.) Some gentlemen, no doubt with the best intentions, have sought to introduce disunion amongst Irishmen by asking

us to formulate our plan. Now, we intend to formulate our plan when the time is ripe for the settlement of the land question (cheers.) I do not know whether that will be next year or not, but it is simply waste of time to talk about formulating plans as long as the people and Parliament of England exhibit the temper which they have been exhibiting towards us. When the question must be settled it will be settled, and it is in your power to bring things about so that this question must be settled. ('Bravo,' and cheers.) I have been asked if I will not approve of a scheme of Government valuation of the rents which the tenants shall pay; and we, who believe in the principle that the land of this country ought to belong to the people, have been told by some men, who think that the best system of land tenure is a Government valuation or re-valuation of rents, we have been told that we are unpatriotic because we desire to make the people the owners. But the same men who tell us that we are unpatriotic because we desire to make the people the owners, and the Government the landlord for a limited period of years, do not see their own inconsistency when they propose that this same Government shall have the arbitration of what rents the tenants shall pay (hear, hear.) To my mind it would give the Government very much more power over this country to allow it periodically, every nine or ten years, to revalue the lands of the tenants and to fix the rents that the tenants shall pay rather than to fix some sum to be paid by the people to the Government for a certain period of years, and at the end of that time there should be nothing further to pay (hear, hear.) I do not, however, wish to be drawn aside into any discussion as to what is the best method of settling the Irish land question. The nature of the settlement entirely depends upon our own exertions, and all I ask you to do is to push on, to organise yourselves, to establish a branch of the National Land League in every parish, to bring back the police from Mayo into Tipperary (hear, hear), to take your share with the other Irish counties in the noble work which is going on in every direction; and so enable us, when the time comes, when the question is ripe for settlement, to claim such a settlement as shall be a lasting one, and as shall secure the prosperity of Ireland." (Cheers.)

The *Solicitor-General.*—Now look at Mr. Dillon's speech, you will find it half way through your notes.

(*Witness* reads)—"Reverend chairman and men of Tipperary, it gives me very great pleasure to come forward in support of this resolution. It has been asserted, men of Tipperary, that the Nationalists of Ireland are hostile to the movement to set free the tenant farmers of Ireland and make them freemen in the land of their birth (cheers). We come here to-day to a town where no movement can show its head that is hostile to the Nationalists of Ireland; and I say that when the Irish Land League has assembled in Tipperary a meeting so large as this that the man who will, in the face of this meeting, tell me that the Irish Nationalists are against the Land League is nothing better than a common liar (cheers). No, neither are the Irish Nationalists hostile to the Land League, nor is the Land League hostile to the National organisation (hear, hear). Our movement and our organisation is a temporary organisation got up to remove one of the greatest evils of English misrule in Ireland, got up to remove an institution which has always been backed up by the power of England's Government, by the English bayonets on which it rests, and which has always acted true to the spirit in which it was founded as a garrison to hold Ireland down under English misrule (cheers).

"I, speaking in this county last Sunday, asked the men of Tipperary

to judge the landlord system in Ireland, not by what they had done this year when they were brought face to face with the organised masses of the people. I asked them to judge the system of landlordism by what the Irish landlords had done in the years when no Land League was there to oppose them. I pointed out that within the last twenty years Irish landlordism had reduced the population of Tipperary by 120,000 of her children (groans); and in the face of that they tell me that Irish landlordism is an institution which is good for the Irish people, and which the Irish people ought to preserve. All I can say is, that if you wish to see the last remnants of the people driven away out of Tipperary, if you wish to see this county cease to be populated by Christians, by men and women, and turned into one vast bullock range for the markets of London and Manchester, then keep on landlordism and do not allow us to pull it down. But if you wish to see Tipperary the home of tall men, as it always has been, and if you wish to see it with a population as strong as it had twenty-five years ago, then give us a helping hand and help us to drive landlordism out of the country (cheers), and hand over the land of Tipperary to the men who are the Nationalists of Tipperary; because I never knew before until lately, that the Irish landlords are the strength of the National party. It was not till lately that Tipperary knew what landlordism was, and I am happy to say that it is not the first time that Tipperary rose in rebellion against landlordism (cheers). Many of you know that in the last century, for three years, this county was in open rebellion against landlordism, until they poured their troops into it and smothered the resistance of the people in blood, when they killed poor Father Sheehy at Clonmel (groans). From that day to this, the people of Tipperary have been either in open or in smothered rebellion against that institution, and to-day you have assembled, I suppose, the largest meeting that ever gathered together in Tipperary, to declare that we are now going to make a new departure, not to forget or to make terms with landlordism, but to raise the banner again, and enrol every man in Tipperary, who is not a landlord or an agent, under the banner of 'Down with Landlordism,' and the land of Ireland will be given back to the tenants. It has been said by our enemies that this movement is nothing more than a vulgar attempt to rob one class of its property and to give it to another class. It is nothing of the sort; but the landlords have been so long accustomed to have the laws made to enable them to rob the farmer of his property that they consider that any law which will protect the farmer in his own property, is robbing the landlord. A man may have an interest in his farm which, in the open market, would sell for £1,000; and if he is one year behind with the rent, the landlord will evict him and give him nothing for his interest; robbing that man, who is a poor man, of all that he has in the world, and leaving him naked on the roadside. We seek to secure to the tenant his property as the landlord always has had secured to him his. We do not repay the landlords in their own coin, that is to say, when we have got the power, we are not going to rob them as they robbed the people when they had the power. (Hear, hear.) No, we are not going to follow their bad example; we are going to give them what they are justly entitled to, but we are going to give to the people their property also. ('Bravo.')

"Now, in conclusion, let me point out to you that this time, if you do not pull down landlordism, nobody is to blame but the men of Tipperary themselves. You want no leaders to lead you on this path; you know the policy, and you have brains enough, and, I hope, courage enough to carry it out. (Cheers.) Organise yourselves; let there be

two people to organise each townland. Let them go round and ask every farmer in the townland will he join the League and stand up for his class. Lay before them, at your weekly meetings in each parish, the policy of the League. Stick to that policy, and if the Government begin to arrest just go on steadily, and never mind the arrests. I should hope that the county which I represent will not be the first to turn the back when it comes to its turn. Don't let yourselves be driven by the bullying of the landlords into what they want you to do, which is this. They want to get an excuse to let those soldiers and police out on to the people. Don't allow the landlords to take you off the path, but if the Government arrests, put other men in the places of those arrested, and go on with the work. Go on with it until the gaols are full, and teach them that no prosecutions will break the spirit of Tipperary, and teach the Government that if they wish to keep up landlordism in Tipperary they can only do it by choking the gaols with the whole population of the county. This is the way in which you can go along; and this movement has this advantage over perhaps some others that went before it, that, as I said before, you want no leaders. You ought to have intelligence enough to go on with it, no matter how many men are arrested; and all I say, in conclusion, on the point is, that if the Government go on arresting, do you go on lowering the rents; because I must say that I do not think it is fair play that the landlords should be allowed to run our men into prison while they themselves are enjoying their full rental. For every man that is put in do you knock off a certain per centage of the rent you are going to pay. With regard to the rent, I think that the time has come in Tipperary now when we ought, in the name of the National Land League, to proclaim all over this county that for this year the people shall pay no more rent than Griffith's valuation; that they shall pay Griffith's valuation, and no more. (Cheers.) I think that is about the fairest thing that we can come at. If the landlords do not like that, let them go over to London, and go down and make a petition to the London Parliament to settle the question. The people of Ireland have petitioned to that Parliament too often. The people of Ireland will not petition to an English Parliament again. ('No, no.') But they will settle their own questions on Irish soil, in Tipperary and the counties of Ireland, and if the Irish landlords do not like the settlement which we offer to them, why let them go over to England, where their friends are, and ask for a better adjustment. In conclusion, then, I would ask that you, the people of Tipperary, will show that you will not be behind any other county in Ireland, and I may say that, if the Government think it would be advisable to intimidate the people of this county by police, I would advise them to get ready about 15,000 without any further delay." (Cheers.)

The *Solicitor-General.*—Refer now to Mr. Boyton's speech on 31st October, 1880, at Tipperary. He is the last speaker at the meeting?—(Witness reads)—"Men of Tipperary, I have now to perform a duty as the organiser of the Irish National Land League that I have already performed before 100,000 Tipperary men. (Hear, hear.) I know that you here in the premier town will follow the advice given by the illustrious prelate who told you in addressing the Kilbury land meeting to take no pledge that you were not prepared manfully and determinedly to fulfil. Those were the words of Dr. Croke, and following those words we have already administered that pledge to seventeen large meetings in this county. (Hear, hear.) To-day I shall give you a second pledge, or, in other terms, I will add a line to the pledge already taken throughout Tipperary. I now call upon every honest Irishman in the sight of

God and before his fellow countrymen to pledge himself never to take land from which his neighbour has been evicted for non-payment of an unjust rent, never to work on that land, and never to purchase crops or cattle seized for non-payment of rent. (Cries of 'Never.') I also call upon you to pledge yourselves that if the British Government raise a vile hand on one of your leaders you will pay no more rent than the Government valuation. (Cheers.) Every man who is willing to take that solemn obligation hold up his right hand." (Every right hand was held up.)

The *Solicitor-General.*—That last observation is yours, "every right hand was held up"?—Yes. The *Witness* continues to read:—"I think that the show of hands is an evidence that the men of Tipperary mean what they say. I will close with a few words to tell you while you disperse orderly to your homes to fold away the green flags, for we will want them again (cheers). Don't think for a moment that you have done the work. You must go home, and you must do that which we are unable to do—organize yourselves in every parish in the county. Take the initiative yourselves; don't wait for men to come from Dublin or elsewhere, and don't wait for public meetings to go on with your work. The work is yours, you are the Land League yourselves (hear, hear). It is not the meetings, it is not the bands of music, the banners, and the speeches, it is that you will go home and keep your word of honour pledged before high heaven. That is what will settle the land question, and it is here in Ireland that we will first settle the land question in our own way, and please God, will go on with another league when this has ceased to exist that will put the Irish people on the right road to settle another and a greater question (cheers). When I saw to-day the solid mass of marching manhood on the broadway that comes here from the junction, when I saw those flags flying over the heads of 'true men, like you men,' and when I saw the green flag of Tipperary town and the Nationalists marching ahead for Mr. Parnell, I tell you my heart beat, and I thank God for it (cheers). I am grateful personally to my friends in the town of Tipperary. I wish that they will judge me one day not by my words, but by the work that I have been enabled under God, and by the direction of that body organized by Mr. Parnell, to perform for the people of Tipperary (cheers). Mr. Parnell has no doubt heard a great deal of cheering. Now, as an evidence of your success, I want Mr. Parnell to hear a real ringing Tipperary cheer." (Immense cheers.)

That was a very large and enthusiastic meeting?—Yes.

Cross-examined by Mr. *M'Laughlin.*

There was no mistake about the cheer?—No.

You never heard anything like it in England?—There is not much speaking in England.

The English people, I suppose, don't speak up. Don't be offended with me. Was there a chairman at that meeting?—There was.

What was his name?—Rev. Dean Quirke.

That is the Dean of Cashel?—I believe so.

Did he deliver a speech?—He did.

A long one?—Fairly long one.

You use the word fair in the sense of reasonable. Kindly give us the last four sentences of it. Did he say this—"I am sure I need not bespeak a patient hearing for all who are to address you, and will conclude by requesting that there won't be any foolish cries from the people, unmeaning expressions that are sure to be caught by the hostile Eng-

lish press that are watching every word to torture it into an argument for coercing the people"?—I am sure the dean never used the word "bespeak." I don't recollect taking it down or writing it out afterwards. (Witness reads)—"Gentlemen, I have trespassed longer than I intended upon you, and I will only ask you one request, that during the speeches here and the resolutions to be put forward you will refrain from any foolish or unmeaning expressions which may be construed into a violation of the law. We know that the country here was never so peaceable as now, and we know that it is by peaceable and determined agitation that your rights can be gained. I believe that half the outrages that are put upon us are manufactured. I am quite convinced that that one that turned up within the last week in the case of a most popular and a most amiable and noble man was false, where it was said that a bad, threatening letter had been sent. I am as sure as I stand here that no tenant farmer or no Tipperary man, unless a knave and a scamp, would ever write a bad word. I had the honour of meeting at a farm a most amiable gentleman as Heaven has given us, popular and liberal, and in every other way he is a good, kind-hearted man; and I assure you as I stand here that that threatening letter was the work of some enemy, of some spy. (Groans.) A groan for the wretch that inserted it." (Loud groans from the crowd.)

"Well, gentlemen, if we persevere in a lawful and constitutional but firm and determined agitation; keep up the agitation, for if you have not a strong agitation you will have a week Land Bill. Come in your thousands, and insist that you shall be done right to. There is no people that have been treated as you have been, and if the priests and the people, as they are assembled here to-day, keep together and assert their rights firmly and perseveringly, there is no possibility of failure. I thank you very much for receiving me so kindly, and I now leave it to those who are to follow me (cheers)."

Mr. *M'Laughlin.*—Is that the chairman's speech you are reading at all?—It is. "I thank you very much for receiving me so kindly, and I now leave it to those who are to follow me." That is the end of the speech.

Have you got your original notes here?—I have.

Well, just look at them. Did he say this—"I am sure I need not bespeak a patient hearing for all who are to address you, and will conclude by requesting that there won't be any foolish cries from the people, unmeaning expressions that are sure to be caught up by the hostile English press that are watching every word to torture it into an argument for coercing the people. Keep from any word or act that can only injure your own cause"?—He never said a word of the kind.

"Remember the wise saying, as true now as it has been always, that the man who commits a crime gives a triumph to the enemy?"—He never said any such thing.

"The Government that promised so much to the Irish people is now threatening to prosecute their leaders; but, should they do so, they will only intensify the agitation, and if you persevere in agitating within the law, and if you avoid every illegal act, there is no Government, no Legislature that can long resist the united demands of the people of Ireland?"—He never said anything of the kind.

Is not that very odd; it is part of the same report?—It is a manufactured report, for he never said anything of the kind.

Do you believe that it is a manufactured report?—I do believe it.

Did Mr. Parnell speak there?—He did.

Did Mr. Dillon speak there?—He did.

Did Mr. Edward Leamy, M.P., speak there?—He did.

Did Mr. Richard O'Shaughnessy, the member, speak?—Yes.

And Mr. John Conway?—Yes.

And Mr. J. Costelloe?—Yes.

And the Rev. Mr. M'Donnell, curate of Woon, seconded a resolution which was proposed by Mr. Costelloe?—I have a Rev. Mr. O'Donnell; I think it is the same name.

You were asked did you see the *Freeman's Journal*?—I see it every day, while I am in Ireland.

But do you remember seeing the report of Dean Quirke's speech in the *Freeman*?—I could not possibly say.

If you had you would have seen the sentences I refer to.

The *Solicitor-General*.—That is one way of seeking to make evidence on the other side, and I do not think your lordships ought to admit it.

Mr. *M'Laughlin*.—It is the Court will decide that, and not you.

The *Solicitor-General*.—I am addressing the Court, and not my learned friend, and I am not to be lectured by him.

Mr. *M'Laughlin*.—You began it.

The *Solicitor-General*.—Now refer to the report of the meeting in the city of Limerick on the 1st November, at which Messrs. Parnell, Dillon, and Boyton spoke. You reported these also?—Yes.

Turn to Mr. Parnell's speech.

(Witness reads)—"These are some of the considerations which have influenced me to abandon the old platform of the three F's. ('Down with them,' from the crowd.) I believe that platform to be unattainable. You have got ten men; Mr. Synan had ten men to vote for it in 1870, ten men out of 650. Has he been able to press his claims with such force and with such vigour since then that he hopes to convert that minority of ten to-day, in ten years, into 650. (Cheers.) No. The Legislature will do this for you:—It will ratify the settlement that you achieve for yourselves. ('Bravo.') It will not reduce your rents for you, but when you have reduced them yourselves, it will come in and by Act of Parliament render a continuance of this agitation unnecessary, for the purpose of getting them reduced." (Cheers.)

The *Solicitor-General*.—Turn to the words—"Do not let us waste these enormous forces." Witness reads:—"Do not then let us waste these enormous forces in trying to effect what is both an impossibility, and what, if obtained, would only perpetuate confusion and disunion between classes in this country. You have now an opportunity of getting rid of the landlord system, not, as my friend Mr. Synan, says, after a generation or so, but very soon. (Cheers.) I believe, that within two years you will see part of the work which was done by the famine undone. I believe that you will see within that period the resumption by the State of the titles in the land, which it has granted, through the Landed Estates Court, to land jobbers, (cheers); and do not let anybody for a moment suppose that these things are impossible, or are for such a remote future. They are very much nearer than many of us suppose, but the nearness and completeness of this settlement must depend entirely upon your own exertions, and what we ask you to do for this winter is to push down the rents, lower the rents (hear, hear,) to combine amongst yourselves. (A voice, 'They have us processed.') Why, if you are afraid of a process you had better go out of the country altogether, to combine amongst yourselves, and to offer the landlord a just rent, to bring the strong force of public opinion to bear upon any man who dares to take a farm, and in this way you have the power of settling the land question this winter in Ireland (cheers), and when you

have done that, and not till then, the English Parliament will do it for you." (Loud applause.)

Solicitor-General.—Mr. Dillon was the next speaker?—*Witness* reads:—"It is not necessary, fellow-countrymen, for me to say many words to you here to-day, because the great value of the demonstration by you this day here, has been that you come here to-day in numbers, the like of which were not seen in this country since the days of O'Connell, to declare that you, the people of Limerick, will stand on the platform of the National Land League of Ireland, and that you will adopt the means which the National Land League has proposed to the people of Ireland to settle the Irish Land question. Let me tell you that the National Land League of Ireland does not propose only to prevent the landlords raising the rents, but it proposes to teach the landlords of Ireland that the day has gone by when they are to fix the rents of Ireland (cheers,) that until they come to a just settlement of this question, the Land Leagues, the farmers of Ireland, shall fix the rent at a fair value and pay no more than what is fair. We propose to bring down the rents of Ireland to what will be a fair value. We propose to take back from the landlords what they robbed from the people in the days of their power. We propose to settle the Irish land question by showing (A voice, 'American principles,') the Irish landlords that we, the people of Ireland, have the power, without appealing to Parliament at all, to dictate to them what rents we shall pay, and to pay no more.

"Now I want to ask the people of Limerick, are they going to submit to tyranny while Tipperary, and Clare, and Kerry, and Cork, have raised the banner of revolt against it? ('No, no.') If you are not going to submit, show you are men, and let there be before Christmas, before three weeks, a branch of the Land League in every parish of the county of Limerick. (Cheers.) Go over the rent-roll on every estate in Limerick, and when the gale day comes, have agreed amongst yourselves what you are going to pay. In Tipperary they have pledged themselves to pay no more than Griffith's valuation. I think you would do well to take the same pledge in Limerick. (A voice, 'We will.') When you have taken it, stand to it like men, and stand to each other, and if any man goes back on his neighbour, then let him be an outcast in Limerick. (Cheers.) Now is the time for every county to organize and pull together in this cause. Do not allow the Government to beat down Mayo or Galway while Limerick is quiet. They will come to you afterwards when they have defeated Mayo. When they attack them in the rear, show them that they will require as much trouble to levy rack-rents in Limerick as to levy them in Galway. Keep the police, if necessary, marching from one end of Limerick to the other, as they have got to march from one end of Mayo to the other, and before a year is out, you will bring things to such a pass that it will take, not 11,000, but 50,000 police to levy rack-rents in Ireland. When you have brought about such a condition of things that 50,000 police will not levy rack-rents, then the Irish land question will be settled, and the landlords will come to reasonable terms without any more pressure."

The *Solicitor-General.*—Mr. Boyton is the last speaker. It is not a long speech, and I must ask you to read it?—(Witness reads)—"Men of Limerick, I have come to gather up the thread of what you have heard to day, and to give you, men of Tipperary and men of historic Limerick, in the presence of the President of the Irish National Land League, the pledge that makes you each and all Land Leaguers. (A voice, 'Good.') I call upon every honest Irishman here present, whether he be from Limerick, Clare, or Tipperary, to pledge himself before God,

in the presence of his clergy and side by side with his fellow countrymen throughout Ireland, never to take, hold, or bid for the land from which his neighbour has been evicted for non-payment of an unjust rent, never to work on that land, and never to purchase cattle or crops seized for rent. (Cheers.) Every one who can manfully and honestly give that pledge, and in addition pledge himself never to pay more than Griffith's valuation, hold up his right hand."

The pledge was taken with the right hands raised.

Was that done, a pledge taken with the right hand raised?—Yes; a pledge was taken in that way with the right hand raised. (Witness continued to read.)—"Three cheers for the Limerick Branch of the Land League. (Cheers.) I have been requested by the secretary of the meeting to read the third resolution, which is a very important one: 'Third: Whereas the English Government has hitherto refused to protect our interests from unscrupulous landlords, we hereby, in public meeting assembled, resolve to protect ourselves by the adoption of the following proposals: 1st.—Never to take a farm from which a tenant has been unjustly evicted, to hold no communication either with the man who violates this rule or his family. 2nd: To withdraw our custom from any shopkeeper either in Limerick or in any other town or village in the county who either sells to or in any other way accommodates such a person, and, finally, to refuse permission to all rack-renting landlords and bad agents to shoot or hunt over our lands.' (Cheers.) Our worthy chairman has asked me to put this resolution for him in its entirety, therefore I will read the next two paragraphs. 'Fourth: That this meeting condemns the conduct of those members who violated the pledges given by them at the General Election to support Mr. Parnell on all important Irish questions, and that it earnestly appeals to their constituences to call for the immediate resignation of those pledge breakers. Fifth: that the many thousands of farmers and labourers and others comprising this great meeting hereby pledge themselves to become members of the Irish National Land League, and to establish branches in every parish in the county, and we hope that the priests of every parish in the county will actively assist their parishioners in this holy work.' That is the end of the resolution. All in favour of the adoption of those five resolutions give their assent by saying 'Ay.'"

Was that a large meeting?—I think it was a very large meeting.

Cross-examined by Mr. *Macdonogh*, Q.C.

Please to read a portion of Mr. O'Sullivan's speech for me.

The *Witness*.—Mr. W. H. O'Sullivan?

Yes; and to save time I will ask you to begin at the middle of it. I will ask you to read the whole of it if my friends wish.

The *Attorney-General*.—We do not want it.

Mr. *Macdonogh*.—Read the passage about the comments of the English Press on the meetings last year?—[Witness reads.]—"A great deal has been said and comments made by the English Press on our meetings last year, and this year also, because some foolish boys in the crowd cried out 'shoot them,' or 'give them the lead.' These words were used by thoughtless boys. But what must the Government of England think of that loyal Orange Conservative meeting held there in Belfast on last Friday?"

The *Solicitor-General*.—Do your lordships think that a portion of the speech that is proposed to be read has any relation to this meeting? There is a reference to a speech by another person in another part of

Ireland; and what is said by another person how it bears on this case I am at a loss to know.

Mr. *Macdonogh.*—My learned friend may be at a loss to know, but common sense would enlighten him. It has been said that at some of the meetings foolish boys or drunken persons made exclamations, and is it not fair and just to show that at a loyal meeting held in Belfast for the sustainment of everything that was right and good in landlordism—that at that meeting somebody did cry out something of the kind?

Mr. Justice FITZGERALD.—That would be rather an argument hereafter, but the speakers ought not to be cried down by the exclamations of others.

Mr. *Macdonogh.*—I think that a very just observation of your lordship. I remember distinctly a case of this kind that occurred before. At the trial of Mr. O'Connell they wished to show that he had invented a certain number of rules for the purpose of detracting from the administration of the law, and subtracting all questions in dispute to an arbitration court. I proposed to read at the trial, or my learned friend who was the senior proposed, to read the rules of the Quakers—that most estimable body—in reference to having an arbitration of differences, and of subtracting from the Courts their decisions upon all questions in dispute. Judge Crampton ruled against me, and the rest of the Court ruled for me, and the rules were admitted. Now, I think on a parity of reasoning in my speech to the jury I can use this with just as much effect, and I can prove it afterwards that it was delivered, but I may as well prove now that at that meeting in Belfast——

Mr. Justice FITZGERALD.—You may prove what you like hereafter, but at present we are dealing with the speech of a gentleman named O'Sullivan, who it appears had made reference to a speech by another person, at a meeting at which he was not present.

Mr. *Macdonogh.*—I submit that, at that meeting, anything that occurred at the meeting—every sentence spoken—every exclamation uttered—every cry heard, should be before the jury, and to withdraw any portion would be to give a partial view of the matter. If you are going to have one part read, and another part not read, it was like the time of dealing in the Rolls with the Masters in Chancery, who would say to read one portion of a document, and not another. This is a great national and constitutional question of the guilt or innocence of these gentlemen, which guilt or innocence is to be determined by these twelve men. What I say is this—that every single fact which occurs at every one of these meetings, is, I respectfully submit, necessary to be proved, and if the Crown put up a gentleman to prove what occurred at such and such a meeting, I have a right to ask whether anything else occurred at that meeting.

Mr. Justice FITZGERALD.—There is no doubt whatever what occurred at those meetings, at which anything was said by your clients, is evidence against them. It does not follow that, as a necessary consequence, that everything that occurred is evidence for you. It is evidence against you, however; and referring again to the opening statement of the Attorney-General, in which he so much relied upon the character of this organization—upon the character of these organized meetings—I thought that everything that showed the character of the meeting, and everything that would qualify anything that your clients or representatives said, ought fairly to be received in evidence. To that extent we are prepared to go, but I must confess it is something beyond that to read a speech in which a gentleman referred to something that occurred at a meeting at which he was not present. It can only be

read for the purpose of being evidence of something that occurred at another meeting at which Mr. O'Sullivan was not present. I think that is carrying it beyond the limit, and if that speech were read, I should tell the jury that it was wholly irrelevant, and no proof of what I see you want fairly to prove by it.

Mr. *Macdonogh.*—With your permission, I would like to say a word or two more on this question, and then I will leave it to your lordships.

The *Solicitor-General.*—After the Court has ruled a point, it is not customary to discuss the matter whether it is right or wrong.

Mr. Justice FITZGERALD.—We have no objection that everything that occurred at the meetings should be given in evidence if it were not only for the waste of time, but at present nineteen-twentieths of what we have heard had no bearing on the case, and we generally get from the speeches and the resolutions the character of the meetings.

Mr. *Macdonogh.*—Men are vindicating themselves at these meetings from imputations cast upon them, and surely any vindication that they then uttered ought to be heard.

Mr. Justice FITZGERALD.—For what purpose is Mr. O'Sullivan's speech to be read, but as evidence of something that occurred at another meeting, where he was not present at all—his statement of that ——

Mr. *Macdonogh.*—Pardon me, it was an illustration, and a defence. We have been assailed in the English Press—we, the Irish people. It has been said that our meetings were characterized by the exclamations and expressions of a shocking character, uttered by poor drunken men or idle boys. Such horrible expressions as "shoot them, shoot them;" and we, the Irish people say, let us vindicate ourselves. We vindicate ourselves thus—we say that at a public assembly where there were ten thousand people, no man could control all the crowd, and therefore we point to a meeting for the purpose of which we highly approve—the great Orange meeting at Belfast, at which my respected friend was present, at which expressions were used, not that we are not perfectly sure the leaders of it would for a moment sanction them, but as an illustration of our defence. It is but fair that the Irish people, being assailed, we should defend them.

Mr. Justice FITZGERALD.—It is nonsense to say the Irish people are assailed.

The *Attorney-General.*—We are not trying the Irish people.

Mr. *Macdonogh.*—You are trying the Irish people, I am sure.

Mr. *O'Brien.*—One word, my lord. The ground on which I would put it is this—one short simple ground. I would put it as an illustration of Mr. O'Sullivan's meaning, and as an illustration of the doctrine which he was there preaching.

Mr. Justice FITZGERALD.—We have nothing to do with Mr. O'Sullivan

Mr. *O'Brien.*—Mr. O'Sullivan is the speaker. He is member for the county.

Mr. Justice FITZGERALD.—He is not one of the defendants.

Mr. *O'Brien.*—He is not, but the way I would put it—the argument is this. He refers to another meeting, and he refers to it in order to explain his own views to explain what his views are when he is speaking. If he uses it to explain his views is not that evidence of what the character of the meeting is.

Mr. Justice FITZGERALD.—That is not the view with which it is offered at all. It is offered as evidence of something that occurred at another meeting.

Mr. *Macdonogh.*—No, I put it as what occurred at that meeting.

Mr. Justice FITZGERALD.—What I want to know is, what is its

relevancy inasmuch as it is evidence of something which occurred at a meeting at which Mr. O'Sullivan was not present at all.

Mr. *Macdonogh.*—It was in illustration of the condemnation of such an expression.

Mr. Justice FITZGERALD.—We have had enough of this already to show that he condemned it. Will you ask the witness any other question?

Mr. *Nolan.*—I would ask the witness to have Mr. O'Shaughnessy's speech read.

Mr. Justice FITZGERALD.—On what ground?

Mr. *Nolan.*—On the ground of showing the character of the meeting. It was a meeting held to discuss the land question. Mr. O'Shaughnessy is a gentleman representing the city of Limerick, and surely we are entitled to show the character of the meeting held in Limerick. And how are we to show it unless we can show that gentlemen of position were there, and that they discussed the question there.

Mr. Justice FITZGERALD.—If we must receive all the speeches and have them read from beginning to end, there must be some limit.

Mr. *Nolan.*—If we read all the speeches we would be taking up too much time. The speech I have before me is the speech of Mr. O'Shaughnessy, and I am sure the speech of a gentleman of his position was reported accurately in the *Freeman's Journal.* I only want eight or ten lines read which they object to—contrasting the question of tenure with the question of peasant proprietorship—and showing by a statement of members of the present Government that we may not get peasant proprietorship, but we may get fixity of tenure.

Mr. Justice FITZGERALD.—I will take it that Mr. O'Shaughnessy was there, and I have no doubt whatever made a very moderate speech.

Mr. *F. Nolan.*—How can you judge of a meeting if you don't read all that happened at it. I submit that we have a right to have it read.

Mr. Justice FITZGERALD.—We are not prepared, Mr. Nolan, to hear all that happened at it.

Mr. *Macdonogh.*—I beg leave respectfully to ask your lordship to take a note that I respectfully ask the Court to receive in evidence every single line of every speech that was uttered at those meetings of which the Crown has given evidence, and that the exclusion of any of them is against the law; and I submit particularly that the speech of Mr. O'Shaughnessy, to which my friend Mr. Nolan has referred, ought to be read, and I respectfully submit that Mr. O'Sullivan's speech, which I requested your lordship to hear read, should be submitted to the jury, and that the jury would never be justified in convicting any gentlemen upon a report of speeches selected—I won't say garbled, because I would not use such an expression to the Crown unnecessarily—but by garbled selections I could prove anything against anybody, if you will give me full permission to cut out of the newspapers, or cut out of even the sacred book itself—the Bible, I can prove anything and everything. Unless they are received, the jury have no foundation whatever for coming to a conclusion.

The *Solicitor-General.*—I think my learned friend has used an expression that I am sure he did not intentionally use—the word "garbled."

Mr. *Macdonogh.*—I have said I did not see the necessity of using the expression, and if my learned friend wishes me to express my sentiments on the subject, I will be happy to do so to oblige him.

The *Solicitor-General.*—Look to your note of the Parsonstown meeting for the speeches of Mr. T. D. Sullivan and Mr. Boyton, two of the traversers, 21st November?

Mr. *Macdonogh.*—May it please your lordships, I respectfully

object to speeches after the filing of this information. I mentioned yesterday, if you will please to remember, that when these were offered I would ask you to reject them. We heard them read, and what are they? They are statements of antecedent facts, of past transactions. They are not in prosecution of what is the alleged conspiracy.

Mr. Justice FITZGERALD.—Are they speeches or declarations by any of the present defendants?

Mr. *Macdonogh.*—They are speeches by certain of the present defendants, and they are speeches which began by professing to be recitals of past facts. According to my recollection—I sent for the books, which I think will sustain my recollection—I thought always in cases of conspiracy, where no individual act is attributed, and where it is a combination for a common concert of purpose, but it must be in prosecution of a purpose and while the purpose is *in fieri*, while it is a thing to be done; but when the conspiracy is completed or spent, it follows the recital of past facts, never can be touched in a case. I would refer your lordships to the Queen's Bench reports, and also to 1st Phillips and Arnold, to show that recitals of past facts can be evidence, and it is only when a declaration is in prosecution and attainment of the illegal purpose contemplated, that they are receivable in evidence. My learned friend, the Attorney-General said everything a man said is evidence against him. Quite true, evidence against himself, if an individual charge were made against him, but where it is a question of conspiracy, and where they are offered against all my clients, why should Mr. Parnell, after the consummation of this supposed conspiracy, after it has been achieved, after it has entered into, ceasing to be a matter *in fieri* or in progress. I remember a passage of a speech, I think Mr. Dillon, or some other of them, said "We did so and so last year for you," and certainly they were statements of antecedent facts. Whether I am right in that your lordships will judge when you hear them read. I say independently of that this conspiracy, if conspiracy it be, this as we say innocent endeavour to benefit the people of our country and to serve our own kith and kin and our own people—whether that will be a conspiracy will be a question for those gentlemen (the jury) to settle hereafter. At present I say nothing about it. With that respect I have for your lordships' better judgment, my own opinion is clear about it, but that is of no avail as the zeal of counsel may betray him; but I submit these are not admissible. What would you think of an indictment against the poorest creature that ever stood at the bar of criminal justice, if the offence was after you preferred the bill of indictment, after the bill of indictment found, and then whether it was not a question of proof affecting not himself merely, but others, that such evidence should be given?

Mr. *Macdonogh.*—First Phillips, one of the best books that was ever written, page 160, "But where the words or acts are not acts in themselves, nor part of the *res gestæ*, but a mere relation or narrative of some part of the transaction, or as to the share which other persons have had in the execution of a common design, the evidence is not within the principle mentioned."

Mr. Justice FITZGERALD.—What is the principle above mentioned?

Mr. *Macdonogh.*—I'll send you up the authority; do let me go on. For the same reason the declaration or writing explanatory of the nature or common object in which the prisoner is engaged together with others are receivable as evidence provided they accompany acts done in the prosecution of such object arising naturally out of such acts, and not being in the nature of a subsequent statement or confession, such as the case of the Church riots where they attacked a meeting-house. The same kind of evidence was received in Lord George Gordon's case. . . .

Mr. Justice FITZGERALD.—Have you any case in which the acts or declarations of the defendants themselves, though made after the informations were rejected as against themselves? I know of none.

Mr. *Macdonogh.*—I have none in my memory, except one in the Queen's Bench which will furnish an illustration of it.

Mr. Justice FITZGERALD.—They may say it makes a difference where there are several defendants, then it becomes the province of the Court to see that the other defendants are not injured by the evidence as against some.

Mr. *Macdonogh.*—If I heard you right it seems clear that cases of conspiracy are quite peculiar.

Mr. Justice FITZGERALD.—What are the two names here. I find I have not taken them down?

Mr. *Macdonogh.*—Mr. O'Sullivan and Mr. Boyton.

Mr. Justice FITZGERALD.—They are the speakers.

Mr. *Macdonogh.*—They are the speakers respectively. This is alleged to be a case of conspiracy, and it will be a question which I will afterwards submit to you and to the jury, namely, how are they liable for each other's acts. If the original object of the conspiracy—combination I'll call it—were legal, then it is perfectly plain that the illegal act done by one would not be evidence against the other. If the original objects were illegal acts done would be evidence against the others; and that is the great distinction which prevails in criminal law, and which in this case will be an important one hereafter; but it is merely for the purpose of illustration that I refer to it now. I submit that the question to be tried being, whether they conspired together to do the various acts attributed in the nineteen counts of this indictment, that that is what the jury have to try. That a single overt act arose out of the conspiracy is not alleged in the indictment, and the question is, was there that understanding in the various acts attributed in the indictment. If it can be shown that the purpose was illegal, then the acts of these persons who were associated for an illegal purpose respectively were evidence against each other. But as I controvert that I utterly deny that their acts would be evidence against each other. I deny that the combination was not a legal one; on the contrary, as I will demonstrate, it was a legal one. But with reference to the subsequent proposition whether after the thing is done, whether after the guilt—the alleged guilt—has occurred, whether after the conspiracy was formed and consummated, and after the learned Attorney-General, who, after the interposition of the common law, had a right to file an *ex-officio* information—then I say that the statement of one of these gentlemen cannot be evidence against the others. There is no longer any agency. I have sent for the case, and I think one of the resolutions in it bears very much on the question at issue. It is the case of the Queen *v.* Blake in Adolphus & Ellis; 6th Queen's Bench, new series, at page 126. "It was proved that B. received the proceeds of a cheque drawn by T. after the goods were passed. The counterfoil of this cheque was offered in evidence, on which an account was written by T., showing, as was suggested, that the cheque was drawn for half the aggregate proceeds of several transactions, one of which corresponds in amount with the difference between the duty paid and the duty really due on the above goods. Held not evidence against B." The judge, at page 140, says—As to the counterfoil, it is quite clear that no declaration of Tye can be received against Blake which was made in Blake's absence, and did not relate to the furtherance of the common object." It must be done in prosecution of the object.

Mr. Justice FITZGERALD.—As far as I have yet heard we can come

to no other conclusion that these acts or declarations, whatever they were, by Mr. O'Sullivan and Mr. Boyton, made on the 21st October, 1880, though they have no bearing on the issue if made after the information, we can only come to the conclusion that they are evidence against them. They may be found guilty of conspiracy and all the others acquitted for all I know, but if these acts or declarations of theirs can be interpreted to be in furtherance of the object of all these gentlemen, then they become evidence against them. At present we only receive them against O'Sullivan and Boyton.

Mr. *Macdonogh.*—They are not receivable against both. They are receivable against one, because you cannot say that you close the mouth of an individual.

Mr. Justice FITZGERALD.—The declarations and the acts of Mr. Sullivan can only be receivable against Mr. Boyton on the ground that he was present and took part in the proceedings, and so Boyton's acts or declarations would not be evidence against Sullivan; but if they are evidence against them singly, we must hear them to know whether they are evidence against them both.

Mr. *Macdonogh.*—I appreciate what you say as to the evidence being receivable against them individually. What I want to point out is that they are not receivable against them both.

Mr. Justice FITZGERALD.—At present we are only receiving them against each other. For instance, if Mr. Sullivan came forward and said the Attorney-General has filed an information for conspiracy and so-and-so, I admit that I did conspire——

Mr. *Macdonogh.*—It would be evidence against him, but not on this trial of conspiracy.

Mr. Justice FITZGERALD.—That is when we know the character of it.

Mr. *Macdonogh.*—But it is not evidence against these gentlemen who are associated with him in this alleged crime.

Mr. Justice FITZGERALD.—At present we say only against him. When we hear what was done at the meeting we shall see against whom it is.

The *Attorney-General.*—It is a case in which the acts of third parties who are not on their trial are referred to.

Mr. Justice BARRY.—That case seems to me to have laid down that if the acts were done in furtherance of any object it would be done.

Mr. Justice FITZGERALD.—Now, I would not require any authority. My impression is that there is an express authority in this statute that these subsequent acts or declarations of supposed conspirators are evidence against them all, leaving it to themselves to prove that before they were tried they had withdrawn from the conspiracy.

The *Attorney-General.*—The Queen *v.* M'Cafferty.

The *Solicitor-General* (to the witness).—Now, I'll refer you to the Parsonstown meeting, which took place on the 23rd November. Did you compare that printed copy with the transcript of your notes?—Yes.

Is that a fair copy of the transcript of your notes?—Yes.

The *Solicitor-General.*—I'll ask you to receive that.

Mr. Justice FITZGERALD.—But you undertake to produce the transcript?

Mr. *Macdonogh.*—I cannot accept anything in a criminal case except the original.

The *Solicitor-General.*—Look to line 47 at the bottom of the first page, Mr. Mills.

Mr. *Macdonogh.*—I suppose that you are giving us the whole meeting?

The *Solicitor-General.*—We have only two of the speeches which were delivered at this meeting.

Mr. *Macdonogh.*—Then you must postpone it until to-morrow.

Mr. Justice FITZGERALD.—There is no doubt the true foundation of the evidence is the report taken at the time.

The *Solicitor-General* (to witness).—Have you the original short-hand notes of the speeches?

The *Witness.*—I have.

The *Solicitor-General.*—Will you be able to read them with sufficient rapidity for the Court?

Mr. Justice FITZGERALD.—Oh, if you have the notes that will do.

The *Solicitor-General.*—Mr. Macdonogh's objection is, that we have not the whole of the pages.

Mr. Justice FITZGERALD.—If that is all you may go on.

Mr. *Macdonogh.*—I don't object if you have the original notes of the speeches.

The *Solicitor-General.*—Turn to the evidence?—[*Witness* reads]:—

"Well, now, these people have got up an indictment against the leaders of the Land League, and I had the pleasure of being served with a copy of it, and I pasted the leaves of it together, and it made about six or seven yards long (laughter).

"But, my friends, if I was to commence to draw up an indictment of the Irish landlords, how long would it be? I tell you it would stretch from the Square of Birr out to the Cape of Good Hope (laughter), if in that indictment was to be set forth all the crimes that have been committed in Ireland by this system and under the shelter of this system of Irish landlordism. If we were to write down in that indictment all the ruin, the devastation, the robbery, and the misery that has been created in this country by that accursed system, I tell you the length I have spoken of would be too short to contain the indictment. It should be written, and every letter of it should be written, in the blood of the Irish people; it should be written with a pen of fire. But no human eloquence would suffice to treat that curse according to its merits; it would require the pen of an inspired prophet to put down upon that record the miseries, the sorrows, the griefs, and the sufferings created and imposed upon the Irish people by the system that we are here to-day to do our share in putting an end to (cheers). Well now, they are filling their party newspapers with threats of combination against us, and they say, 'Come,' they say to one another, 'the people are combining against us; let us combine against them,' 'Let us make,' they say, 'let us make common cause, and if a bad landlord or a bad agent is assailed in one part of the country, if his lands are left idle on his hands, let us come to his relief, and with our wealth and our means we will sustain that man against the people.' Well now, I think we can easily stop their hands at that game ('hear, hear.') With their wealth they say they will sustain these individuals. Where does that wealth come from? (A voice, 'From the poor.') Who gives them the money that they call their wealth? It comes from the pockets of the people ('hear, hear'), and the people can stop the supplies upon them. And I tell them here now, that if they combine in this fashion against the Irish race, the whole Irish race will combine against them, and we will have a complete strike (a voice. 'We will.') We will organize a strike from end to end of Ireland against the payment of all rents ('bravo'), until we bring those people to their senses. Now, my friends, I ask you to consider for a few moments what are the pretensions, what are the assumptions, of that class of men?

"Ah! my friends, you have hardly any idea of what that class of gentlemen—(groans)—you have hardly any idea of what that class of gentlemen say about you and think about you. They are somewhat

civil when you go to the rent office, especially if you are going to pay them the full rent; but if you offer them Griffith's valuation, why that is another thing; they look very black at you just then. But you have no idea how they talk of you at their own tables, and in railway carriages, and at hunts, and other places like that. They seem to imagine that you were made simply for their use and benefit (laughter). They seem to think that all of you were born with saddles on your backs, and that they were born with boots and spurs (laughter). Well, now, I find that these gentlemen are beginning to come a little to their senses, and they are talking about the three F's; and they say there is something, the tenants have some little thing to complain of, and that indeed they are and always were very willing to listen to any reasonable request. But I say that this statement of theirs is not true. When we ask for the three F's, we would not get them. When we ask for one of the F's we would not get it. But now we ask the abolition of the system, which puts power into their hands, which they grossly misuse, and which they should never possess; and now, indeed, they begin to tell us that they will think about the three F's. Well, I tell them that it is a little too late ('hear hear.')"

"Now, the resolution which I am here to support is in condemnation of the system which is known by the name of land-grabbing. I can tell you that the land-grabber is the chief agent in raising the rents upon the Irish people. ('Hear, hear.') When a landlord sees a farm that has been improved by the labour and the expenditure of a tenant farmer and his family, and when he puts his covetous eye upon it, and says I can get more rent from another tenant, therefore I will evict the family that are now occupying it, what does he base his calculation upon? Upon the fact that some land-grabber is ready to seize that farm, and to come in and occupy it. (Groans.) Well, as long as that system is allowed to continue, you never can bring down the rack rents of Ireland. A friend of mine, two or three days ago, made these lines:—

'The landlord is a tyrant,
The agent is a curse,
The bailiff is a nuisance,
The land-grabber is the worst.'

Now, my friends, what you have to do here in King's County, and what the Irish people have to do elsewhere, is to combine, to form yourselves into branches of the Land League, to support each other. I heard yesterday as I came down here, I heard this statement made by a land-agent; he said, 'The tenants refused me to-day any rent higher than Griffith's valuation ('Hear, hear'); but,' said he, 'they will all sneak in one by one, by-and-by, and give me the rent.' (Laughter.) Now, if you are base enough and mean enough to betray each other in that sort of way, there is no help for you; you will be oppressed and rack-rented to the end, and your children after you will suffer the same hard fate, unless you act in a manly, an honourable, and an upright spirit towards one another; and after pledging your words what to do, you must abide by your words. (Cheers.) If the rent is not an unjust one, and you have the money to pay it, say so at once. But, on the other hand, if you say it is an unjust rent, if you say it is out of proportion to what it ought to be, if you pledge your words to that to one another, then stand together, and let there be no under-currents amongst you; let there be no treachery amongst you; act like brothers to one another; and all the power of England cannot defeat you if you do so. (Cheers.) See what an army it took a few days ago to save the crops of Captain Boycott.

"Well now, suppose in every county in Ireland that the land-grabbers

and the land-sharks were treated as Captain Boycott was, where is the force to come from to save the crops for them? I will tell you England would have to borrow the army of France (laughter), and she would have to borrow the army of Germany, and she would have to borrow the army of Austria; but she would not get them, if she asked for them (laughter). And therefore I say, my friends, the game is in your own hands. You were told here to-day, and it is true, that members of Parliament cannot save you. Speeches cannot save you. Votes cannot save you. Ah! Ah! but you can save yourselves. (Cheers.)"

Now commence Mr. Boyton's speech, and read on?—Yes. (*Witness* reads):—"Fellow-countrymen of the King's County and of Tipperary, I can only re-echo the sentiments which fell from the lips of my brother conspirator, Mr. Sullivan, and say that I am proud to see you here in this stronghold of landlordism—("hear, hear") face to face like men to take your place in line with your brothers throughout Ireland, face to face in line with the ancient enemy of justice and humanity to Ireland. (Cheers.) I listened intently with the hope of having heard from the lips of your junior representative in the British House of Commons the principles that are set forth in the resolution which he supported. I heard those principles never in my life so clearly, so emphatically, or so eloquently spoken to as they fell here to-day from the lips of the worthy clergyman who preceded Mr. Sullivan. (Loud cheers.) The language of truth is always the language of eloquence, and when a man is in earnest he cannot but speak that which he knows to be true. "The principles of the Irish National Land League to which you have been called upon in that resolution to give your adhesion are the principles of justice and humanity—('hear, hear') no less than they are the principles that, please God, will one day lift our oppressed country to the place she has never forfeited—(cheers)—amid the nations of the earth. (Cheers.) The principles of the Land League are, in the word of the Creator, who said He created the earth for the children of man. Here the principles are the principles of that eminent philosopher who said, 'The land of every country belongs to the people of that country;' and we have summed them up to-day in the one sentence that forms our war-cry, and that you, the men of the King's County, have come here to-day to shout with no uncertain voice—'The land for the people!' (Cheers.) Those are the principles, the objects, of this mighty organisation—this organisation that is spreading throughout the length and breadth of Ireland in a way that no political or social organisation ever spread before. (Cheers.) The objects of this mighty organisation are in the first place to keep the people in the land that God made for them ('hear, hear,') to put an end to rackrenting, to eviction, and to landlord oppression of every nature. ('Hear, hear.') I wish that the gentlemen who are listening to me here to-day, who may possibly favour the old school methods of trying to settle this great land question, I wish them to know that it is neither the duty nor the business of the Irish people to put forward what measure of land reform they require. ('Hear, hear.') It is the duty and the business of those who claim that they have a right to government. That government being for the good of the governed, it is the duty of the British Government, so soon as we have made the question sufficietly ripe for settlement, to find the way to settle it (cheers.) And the man who to-day upon any platform introduces debateable matter as to questions of settlement, as to the Ulster custom, or any other custom, as to any of the other various panaceas that I begin to see are being thrust forward by the landlords themselves, that man is no friend to your cause. ('Hear, hear.') We are engaged in making this question ripe for settlement, and the means by which we

propose to attain the objects of the Land League are very simple, and I believe that they involve no infringement of God's law, aye, of even the unjust laws that are being made to rule Ireland; it will not be necessary to infringe those laws in the slightest degree a hair's-breadth. We are teaching you that the settlement of this great question lies, as Mr. Sullivan has told you here, at once in your own lips. You have the power, not only to settle what shall be a fair and just rent, but, if you knew it, you have the power to hold the land and give no rent That is not our doctrine; but we want to tell you the strength you have. We are trying to agitate the Irish people into the simple doctrine that British law has already sanctioned on English soil—a Trades Unionism. We unfortunately, through the instrumentality of a cursed land code, we have only one trade in Ireland, and that is the trade that God himself ordained one of His earliest members of the great human family should have all his days—to till the earth, and to take from a fair and fertile soil the produce that God gives for the sustenance of all mankind. We have but one trade in Ireland, and that trade comes from the land—it is agriculture—and we are teaching the tillers of the soil and all who are dependent upon them to combine in one single Trades Unionism and settle the question, as every other trade and business and profession has settled their fees and their wages in Great Britain. ('Bravo'.) The English Government have taken the leaders of this movement and they have indicted them as conspirators. Conspirators for what? For conspiring with you, the people, to get you to crush first in your own heart that greed and avarice which has, in a large measure, brought the tenant-farmers of Ireland to the position they now stand in. ('Hear, hear'.) We of the Land League do not attack any landlord as an individual, but we attack the land-grabber as an individual (cheers), and we want to make the crime of land-grabbing and the crime of going behind a man's back to betray the cause that you have publicly pledged yourselves to stand by—we want to make that crime as odious as was the crime of the man who was an informer or a betrayer in the past history of Ireland. (Cheers.) We want you to know that it is treason, and treason against the people is the worst crime that can curse humanity. I will not detain you longer than by complying with the duty which principally brought me here to-day. (A voice, 'You are welcome.') I wish you to know that this is not merely a political agitation.

"I tell you again that it is not an agitation; and if it were merely an agitation, and that this great crowd, this splendid demonstration, should fade away to-morrow and leave no results, not leave a permanent working organization of men determined to go on with the work when the banners are gone, when the music is gone, when the speeches are gone—aye, and when the leaders are gone to British prisons, we want you to go on. A voice—('We will.') We have laid the track for you, and you have not anything to do but to go on (cheers). Already, throughout some nineteen or twenty counties out of thirty-two, God has gratified my heart, and God has blessed my eyes with the sight of nearly 60,000 or 70,000 honest, manly, right hands lifted up in His presence. I have seen throughout the well-organised and magnificent county of Tipperary (cheers), I have seen already 100,000 hands lifted up to pledge themselves to be, what they always were, true Irishmen (cheers). I know from what I have seen to-day in Birr, that this meeting, and the spirit of enthusiasm, the manliness, the good order, and the determination that is everywhere visible, will not even be second to anything in Tipperary (cheers). I feel sure that when you give your pledge you will go home and keep it ('hear, hear'). I now call upon any man who cannot conscientiously give the pledge, to remove

himself on the outside of this vast crowd; and as there seems to be no movement in that direction, I call upon you, men of the King's county and north Tipperary, to pledge yourselves solemnly before God and your clergy, and side by side with your fellow-countrymen, never to take the land from which your neighbour has been evicted for non-payment of an unjust rent (cries of 'Never'). Never to purchase or bid for cattle or crops seized for rents (cries of 'Never'). Never to purchase grass lands that are the property of a landlord having evicted the tenant (cries of 'Never'). And I call upon you, that class of men whose interest in this struggle is no less than that of the farmers and the labourers, I call upon you, in giving this pledge, to pledge yourselves never to work for that man or on that land (cheers). Now, every man who can conscientiously take that pledge, and keep it in the name of God, hold up his right hand." (The right hands of the people were held up.)

And did they do that?—Yes.

And did they hold up their hands?—Yes.

Was it a large meeting?—Yes; there were 3,000 or 4,000 people present.

Cross-examined by Mr. *Peter O'Brien.*

I wish to ask you just a few questions on behalf of Mr. Sullivan. Turn to Mr. Sullivan's speech where he begins, "They talk of their rents."

The *Attorney-General.*—Oh, give him the page.

Mr. *O'Brien.*—It is the second page, line 35—"Did they not attempt to interfere with the lives." Begin there and read on—or probably you are tired; if you allow me, I will read it for you. [Counsel reads.]—"Did they not attempt to interfere with the lives, the social life, the happiness of the people, and the freedom of the people in every detail of their life? Did they not claim your vote as long as the law permitted them? Did they not drive the people to the palsied cattle? Did they not in many cases go further; did they not want to get possession of your souls? Have they not upon many estates in Ireland interfered with the ordinary course of human life? Have they not forbidden charity and hospitality? Have they not decreed that marriages shall take place only when the agent chooses to give a licence? (Cheers.) Why, my friends, I know cases in the south of Ireland, and they are upon record in books and papers and histories, where tenant farmers have had to turn out of their houses their own flesh and blood, their own sisters, daughters, and relations, because the law of the estate forbad them to give them shelter. (Groans.) I know a case recorded to have occurred on the estate of the Marquess of Lansdowne—(groans)—under the agency of Mr. Trench—and you know something of that gentleman, a farmer in this county. I am sure the history of the Geishill tenantry is not yet forgotten in the King's County. I can tell you of a case in which a poor woman who was near her confinement had to be turned out of doors by a relative of her own, and he was fined a year's rent for giving her any shelter. She went to a cave in the mountain, and there gave birth to a child, and the man on whose farm that occurred was fined a year's rent for letting her into the cave. (Groans.)"

Now, Mr. Mill, would you turn to the speech of Mr. Sullivan. There was a speech made by Mr. Sullivan, in proposing a vote of thanks to the chairman.—Let me ask you—the chairman was the Rev. Mr. Berkeley?—Yes.

The parish priest?—Yes.

Now, Mr. Sullivan made a speech in proposing a vote of thanks to the chairman, which I will read if you are fatigued.

The *Solicitor-General.*—I would rather that the witness would read the speech himself—we object to the emphasis of Counsel. I proposed that the same course should be pursued by me, but I was refused, and therefore, I object to its being conceded to the other side.

Mr. Justice FITZGERALD.—We will allow Mr. O'Brien to read this speech.

The *Attorney-General.*—It is to be hoped he will read it aright?

Mr. *O'Brien.*—I am incapable of reading it wrong—(Counsel then read as follows)—"My friends, I come forward for the purpose of proposing a vote that I am sure will meet with your heartiest acclamation—it is a vote of thanks to our reverend chairman for his kindness and his patriotism in presiding over this splendid meeting, and for the dignified and the steady and the appropriate manner in which he presided over our proceedings to-day. (Cheers.) He may well be proud of his people after the exhibition that we have witnessed here to-day. I congratulate your reverend parish priest upon having such a flock to preside over. (Cheers.) And I congratulate you, my friends, upon having such a parish priest to care for you and to preside over you.

"We all know that your Irish history proves that the Irish race are never so powerful as when the people and the priests stand united together. Now, you know that this is no sectarian movement, you know that in this movement we have no hostility to people of any creed. ('No, no.') You know that we care as little for the bad Catholic landlord as for the bad Protestant landlord, and you know that we are as desirous of helping the poor Protestant tenant as we are of helping the Catholic tenant. But in the working of this cause, and in the working of every popular cause in Ireland, it is well for us all when we have by our sides the friends that stood by us in the dark and stormy days, the friends that nothing could tear from your side when a price was put upon their heads, your hearts are with your friends in this cause, because it is the cause of virtue and of justice. Your priests have sprung from yourselves, the ranks of the people. There is no class in Ireland to-day that so well understands the wrongs, the rights, the sufferings, of the Irish people as do the Irish priests. They go amongst you, my friends; they are with you in your sickness; they are with you in your poverty; they stand by your humble hearthsides; they stand by your bedsides; they know your griefs, and they sympathise with you. It is a satisfaction to us all to find that on this platform that sacred order of men, and that patriotic order of men, have been largely represented to-day (cheers); and that one of them, your own spiritual father, your own parish priest, has worthily occupied that chair. ('Hear, hear.')

"But I say again, no Protestant need take any offence at that. We mean no hostility to any man of any creed. We are men of God and of the Irish people; and we know that on the soil of Ireland there are men of various creeds. They are all welcome to abide there. We do not want to injure, or persecute, or annoy any man of any creed. What we do want is justice for the industrial classes of Ireland (cheers); justice for the farmers; justice for the labourers; justice for every man who by the sweat of his brow and the strength of his arms wrings from the soil of Ireland the sustenance that should go to support himself and his family, aye, and to support the traders of your various towns. Where will the towns of Ireland be if the people are destroyed? My friends, the landlords of Ireland say that all they desire is to have the highest rents from the fewest possible tenants. (A voice, 'They will not get it.') Now that is not the right order of things. We want in Ireland a numerous, a prosperous, and a happy tenantry. We

want a labouring population who shall have some at least of the decencies and the comforts of life, and when we have these, my friends, our towns will rise and flourish; the butcher, the baker, the shoemaker, the mason, and the carpenter, all will thrive when Ireland thrives. But if you banish the people, and if you put bullocks in the place of them, why, bullocks do not wear trousers, bullocks do not want boots or stockings. No, my friends, the people are the true riches of a nation, and, with God's blessing, a people we must have in Ireland to the end of the chapter. Then I propose to you a vote of our sincere and hearty thanks to your reverend chairman for presiding over this meeting here to-day. (Cheers.) The formality of seconding this vote is unnecessary; you will carry it by acclamation."

The *Solicitor-General.*—You attended the Waterford meeting?—I did, sir.

On the 5th of December, 1880?—Yes.

Did you hear Mr. Parnell speak there?—Yes.

Have you the transcript of his speech here?—No, I have the print.

Did you compare the print with the manuscript?—I have.

Is it accurate?—It is.

Read it ——

Mr. *Macdonogh.*—Of course, my lord this is subject to my objection.

The *Solicitor-General.*—Read it, please?—(*Witness* reads)—"Fellow-countrymen, I think I must assign to Waterford, late as you have come into the field, the honour of having assembled together the largest land meeting which has yet been held in Ireland (cheers). I have been absent from the country for three weeks, and during that three weeks this great movement has made more progress, has accumulated more force, than during the previous eighteen months of its existence (cheers). Nobody then can henceforward charge me with having been the cause of this movement (cheers). It has been self-created, brought about by natural events and by the unnatural system of land tenure which was transplanted into this country three hundred years ago (cheers). I suppose I shall be expected to say a word or two upon the prosecutions ('Yes'). The prosecutions were undertaken by a Government which knew that it was beaten, which knew that it could do nothing to stay this movement, and the prosecutions were undertaken by them to pass away the time, to postpone the moment when their disgrace and defeat would be revealed to the world (great cheering). And the action of the Government in the prosecution, in the conduct of these prosecutions, shows that they have attempted to do something else, besides. They have attempted in their conduct to conspire against the Irish people, and to conspire against the 'Independent Irish' party of Opposition in Parliament (cheers). They have attempted to conspire against your right to hold public meetings, and to shape public opinion. Our action was never directed to anything else. (A voice, 'Never.') And they have attempted to conspire against the integrity and usefulness of the Irish party by commencing the trials at a moment when it was necessary, above all things, that we should be present in Parliament (cheers). We have been charged with being preachers of assassination throughout the land. (A voice: 'No such thing'). I have repeatedly, over and over again, during the progress of this agitation, pointed out that organization would prevent assassination and outrage (hear, hear) more than any British-made law that ever came here. I have said this at every meeting at which I have spoken. I have shown that it was only where the people were left to themselves, disorganized and disunited, that they were tempted to resort to the wild justice of revenge (cheers), and I

have quite lately a most unexpected testimony to the truth of my contention. The late Attorney-General for Ireland, Mr. Gibson (groans), in speaking in England lately, admitted in so many words the truth of what I have been urging upon the people for eighteen months. He pointed to the counties of Mayo and Galway, the two best organized counties in Ireland—one of them being the birth-place of this land agitation (hear, hear). And he said—'There is no outrage, there is no crime in Mayo, there is no resistance to the law.' And why did he say that? Because they are so well organized (hear, hear). There is no crime and outrage, there is no resistance to the law in Mayo and Galway. Why, then, are the counties of Mayo and Galway held up by the English Press as being hotbeds of outrage and of crime? (A Voice—'They are liars'). Had not this land movement been initiated the people of Ireland would have been driven away, as they were driven in '47 and '48 (cheers). The landlords would, undoubtedly, have taken advantage of the opportunity that was given them if they had not found themselves face to face with a power which no oligarchy can resist in these days (cheers)—the force of combined public opinion, and of a nation acting together as one man (bravo). Now, I do not wish to make you despair of the future, because there is no reason to despair of it" (hear, hear).

Solicitor-General—That will do. Unless my learned friend requires you to read the whole of it you need not. Take the next page, beginning at line "14."

Mr. *Macdonogh*—Better read the whole of it. (*Witness* reads)—"But I wish to warn you not to expect too much from the present Parliament (hear, hear). I was a very careful observer of the events of last session, when Mr. Gladstone was trying to pass a miserable little bill of one clause, called the Compensation for Disturbance Bill (laughter), and I saw then that he had not the forces behind him to carry any measure of real value to this country. He has got, in the first place, to contend with the Whig territorial influence in his Cabinet before he ever drafts his Bill; and from the very start any measure that he brings forward must be a compromise with the great Whig English and Irish landowners (hear, hear). When he brings it into the House of Commons he finds himself face to face with a determined and powerful Tory obstructive party (a voice, 'down with them'), and behind his back he finds again arrayed these same Whigs in his own party, whom he is scarcely sure of for twenty-four hours together (hear, hear). Consequently to secure the passage of even his compromised measure, compromised in its inception, he has to agree to still further compromises. And when at length his Bill struggles into the House of Lords, if he hopes to carry it through, it must be at the price of still further compromises and concession. I ask you then, in the face of these difficulties, what is the use of expecting a really satisfactory measure of land reform from the Parliament this session (cries of 'no use)? No, you will be left at the end of the session as you were left at the end of last session, to depend upon your own determination and organisation for yourselves (cheers, and a voice: 'We will cling to the Land League'). This is one of the reasons why I have always resisted what has been called the Three F's. The Three F's necessitate valued rents. Whether the results of a re-valuation would be fair to the tenant would depend entirely upon the basis of the revaluation, and the tribunal which had to carry it out. And I ask you what is the use of expecting from Parliament, constituted as I have just shown you it is constituted, any basis of re-valuation which will not be enormously in favour of the landlords against the tenant. ('Hear, hear.') Let us take our stand

upon our just rights. ('Hear, hear.') Don't let us ask for anything that is impracticable or impossible. Don't let us ask for anything which has not been sanctioned by the successful example of almost every other European country. ('Hear, hear.') And taking our stand upon our just rights of ownership of the land for the people of Ireland (cheers), let us leave to the enemy the offer of compromise. ('Hear, hear.) Let the first offer of compromise come from them, for they are the beleagured and isolated garrison, surrounded by their enemies; and I warn them that if they waste too much time, if they delay too long to settle with the enemy when he is in the gate, when he is still in the gate, the day will very soon come when they will find that their power of proposing or obtaining any compromise has been taken away from them ('Hear, hear'), and they will bitterly lament that they have thrown away their opportunities when the people of Ireland were still willing to allow them to depart in peace, with such compensation for their interests as might seem to be fair (cheers). Before I conclude I wish to remark upon a matter which is of considerable practical importance. The farmers who obtain abatements in their rents—and it is that farmer's own fault who does not obtain an abatement in his rent, because every farmer who lies down now at the feet of the landlord is a traitor to his country—farmers, I say, then, who obtain an abatement of their rents should use, at all events, some of that abatement in giving employment to the labourers during the coming winter (cheers). Last year we had to beg in every quarter of the world to keep the small farmers and labourer from starving (cheers). You are placed in the position of being able to do without any more begging, and, please God, the Irish people shall never again ask alms from anybody (cheers). And, therefore. I appeal to the farmers who obtain abatements in their rents to give suitable and generous employment to the labourers during this coming winter (cheers), so that there may be no distress or suffering in the country; and meanwhile I ask you to organise yourselves. As I said at the beginning, you have been very late in the field; but I feel confident, from what I have seen, that in no other county in Ireland does there exist better material for organisation than in Waterford (cheers). Push on, then; organise branches of the Land League in every parish in Waterford, and we promise you on our part that, once you are organised, no cutting off or imprisonment of the leaders will do you the slightest harm (cheers), and that before a very long time has elapsed, perhaps much sooner than many of us expect now, the people of Ireland will be enabled to enter for the first time on the path of prosperity and national independence (cheers), and that we shall have succeeded in destroying one of those last props of British misrule in Ireland which still exist amongst you." (Immense cheering).

The *Solicitor-General.*—Was that enthusiastically received—the last passage?—Very.

Was it a large meeting?—It was a very large meeting.

Give an estimate of the number that attended it?—I should say about fifteen thousand.

The *Solicitor-General.*—That is all. (To Mr. *Macdonogh.*)—If you wish now to cross-examine him as to this meeting——

Mr. *Macdonogh* said—I do not.

Mr. Justice FITZGERALD.—I propose now to adjourn to next year—to the first Monday of 1881.

The Court then adjourned to Monday, the 3rd of January, 1881, at eleven o'clock.

FIFTH DAY—MONDAY, JANUARY 3, 1881.

The Court sat at eleven o'clock.

At the sitting of the Court,

Mr. Justice FITZGERALD said—Before you resume the evidence, I wish to advert to a ruling of ours the last day. When we separated last year, or shortly before our separation, a question arose upon a meeting at Limerick. Evidence was given upon the part of the public prosecutor of a meeting in the city of Limerick, and speeches attributed to some or one of the defendants—I really don't recollect which, and on the part of some other of the defendants, Mr. Nolan proposed to read the speech of Mr. O'Shaughnessy, one of the members for the city of Limerick, and we rejected that. The ruling which we laid down, for accuracy sake, I have reduced to writing. It was that the defendants should be at liberty to give in evidence any matters relating to any such meeting, or taking place at it, which showed the character of the meeting, and any speeches delivered by third parties at such meeting, which might in any way modify or explain the speeches attributed to the defendants or any of them. We endeavour thus to impose some check upon the introduction of matters merely irrelevant to the issue, without depriving the defendants of the advantage of any evidence on which they could properly rely. Acting on this rule, we decided against the reading of Mr. O'Shaughnessy's speech, as Mr. Nolan did not show that it has relevancy to the issue. We have since reconsidered our decision, with a view to see whether its operation would have any effect prejudicial to the defendants, and whether it was logically well founded. In doing so, we have been struck by considerations which were not presented to us in the course of the arguments. We have had an opportunity of reading some portion of the learned Attorney-General's statement, and referring to one passage as an example of the foundation on which he partly rests the case of the public prosecutor, and the passage to which I refer is this. The learned Attorney-General states to the jury :—"And you will recollect that the mode by which the traversers tried to effect their purpose was by organisation in the different districts amongst the people throughout the country—that is to say, by conspiring to get the people to form subordinate conspiracies throughout the country, and by the cultivation of public opinion, by a persistent course of addresses to the people in the newspapers and by public meetings." Again we have referred to the information, and especially I may take as an example, two passages in it. The 16th count in the information is this :—Of the defendants it is alleged "that they did confederate and agree to solicit and incite and procure divers large numbers of tenant-farmers in Ireland to form amongst themselves and to enter into combinations and agreements amongst themselves, by divers unlawful means and contrivances—to wit, by threatening to cut off and utterly exclude from all social intercourse and communion, and from all intercourse and dealings in the way of buying and selling and other matters, by shunning at all times and in all places, as if affected with some loathsome disease, and holding them up to public hatred and contempt, and subjecting them to annoyance, inconvenience, loss, and injury in pursuit of his lawful occupation, any and every person other than the person so evicted from such farm as aforesaid, who should take and occupy as tenant

any such farm, and to deter and prevent all such persons from occupying such farm." The 19th count is, "that the defendants did amongst themselves combine, confederate, and agree to cause and create discontent, and disaffection amongst the liege subjects of the Queen, and to excite, and promote feelings of ill-will and hostility between different classes of Her Majesty's subjects, that is to say, between landlords and tenants in Ireland, and further to excite and promote feelings of ill-will and hostility towards landlords in Ireland, in general." Well, the case for the prosecution rests considerably on the action of the chief organization in Dublin, and a net work of local organizations, by means of which the defendants are alleged to have given effect to their designs, the proof given being chiefly the meetings which took place either at Dublin or elsewhere, and the speeches and acts of some of the defendants at these meetings.

It has occurred to us that before the case closes it may be necessary for us to consider whether these several meetings or some of them, by which the objects of the defendants were to be carried into effect, were not unlawful assemblies at common law. I may refer to the definition of an unlawful assembly at common law which, though it came from myself upon a former occasion, I would not venture to read to you myself here if it had not been that on the occasion in question I had as my colleague the present Lord Justice Deasy, and that the definition given on that occasion, and acted upon, met with his full weight and concurrence. It is therefore that I read it, and so far as it applies to the present case it is this. "An assembly of persons is unlawful at common law where three or more persons meet together to carry into effect some illegal purpose, or if numbers assemble to promote some seditious purpose such as to create disaffection, to incite the inhabitants of this country to hate their fellow subjects in Great Britain or elsewhere, or asperse justice, or impair its functions by bringing its administration into contempt. Every such assembly would be unlawful and a misdemeanour at common law." To that definition we are inclined to adhere in the progress of this case, if it becomes necessary to act upon it. Having regard then to these considerations, and having carefully considered these matters which have thus come before us, we have come to the conclusion that where the Attorney-General relies in evidence on any particular meeting, and speeches delivered, and resolutions passed at such meeting, we cannot preclude the defendants, without danger of injustice, from relying on and giving in evidence any other portion of the speeches or proceedings at such meeting. Now, in giving this latitude, we must trust very much, and we do sincerely trust and confide, in the counsel representing the defendants, that it will not be made the vehicle of introducing any irrelevant matters, whilst, at the same time, it is open to them to give in evidence anything which they think may conduce to the performance of their duty, and the benefit of their clients. We do so on behalf of the public. This is largely a question of public time, and of the time of the jury. I may make this observation upon the case generally, that as far as I can understand it, the matters of fact are very little in controversy. The action of the defendants, on which the public prosecutor relies, has not been concealed. It has been open and uncloaked. All these meetings have appeared in the public papers. I fancy there can be no doubt, no difficulty in being enabled either, on the part of the public prosecutor to give in evidence the speeches on which he relies—whilst, on the other hand, on the part of the defendant, it is easy to fasten upon any portion of the proceedings at any particular meeting which

counsel thinks can conduce to the benefit of the defendants, without leading at all to irrelevancy. The public time is a great object here. I may say also it becomes a question of public and private finance, for if this trial is to be protracted to the length which it may be, no doubt it will become a question, both to the public and to the defendants, of enormous expense.

Mr. Justice BARRY.—I think the decision that I ventured to make on Friday last, when this subject of the admissibility of other speeches and proceedings at meetings was first discussed, was well founded. I then pointed out that this is not a case in which the defendant is prosecuted for the delivery of the speech—the speech is only relied upon as evidence of the existence of an illegal combination, or conspiracy, or organization—whatever it is to be called—legally speaking, a conspiracy; and the speech is said to be delivered at that meeting, which is stated by the learned Attorney-General in his opening and in the bill of particulars, as being a component part or an instrument of the organization; and, therefore, it seems to me that it would be taking rather a limited view of the admissibility of evidence to say that whilst the one speech of the individual defendant or defendants may be given in evidence that they are not at liberty to give evidence of the proceedings of the meeting generally in order either to qualify what they have said, or to show that the intentions of the organization were different from that which is alleged.

Mr. Justice FITZGERALD.—Now, if Mr. Nolan thinks that there is any portion of Mr. O'Shaughnessy's speech that is relevant, we are prepared to let it be read now.

Mr. *Nolan*.—There is a portion which I would wish to have read, my lord.

Mr. ALFRED F. MILL recalled, and cross-examined by Mr. *Nolan*.

You were present you told us at the Limerick meeting?—Yes.

At which Mr. R. O'Shaughnessy spoke?—Yes.

And you were aware that Mr. O'Shaughnessy is member for the city of Limerick?—Yes.

And you were also aware, I presume, that Mr. O'Shaughnessy is a barrister?—I was.

Would you now kindly read Mr. O'Shaughnessy's speech made at that meeting?—(*Witness* reads).—"Fellow countrymen, I am going to be very brief, and to compress what I have to say into a very few words, for I, as so many others here, am anxious to hear the pronouncement of our leader, Mr. Parnell. This resolution which we are supporting does not demand much. It demands, as one of my constituents demanded, as I said the last time in this very Liberty, 'Ah, sir,' said he, 'if you could do anything to prevent the rent being raised upon us; that is what we want at this moment.' We want to prevent the rent being raised for every little bit of improvement, if it is only an additional 5*s*. an acre; and in addition to the rents that are being raised, that the right of the people of Ireland to a property in the soil, already tamely recognised by the Land Act, should be fully, frankly, and honestly recognised. And now, as Mr. Bright and a great many other Englishmen who agree with us decline, and have frequently declined, to allow rents to be measured, I say that the only way you can compel the Irish landlord to submit to fair rents is to compel him to have his land sold, if he will not permit it and to have the people turned into peasant proprietors. There is the logic of it. We are told that rents are not to be measured by any tribunal—that has been

frequently told us. If that is not to be done, then the landlord that cannot agree fairly with his tenant ought to be compelled to sell.

"Some people will say that the law at present measures. Yes, it does, but it is only when the harm is done. It is only when a man is turned out that the tribunal now settles whether the rent is fair; and what we want is not to give compensation for disturbance, but to prevent disturbance, and to root the people in the soil. And now I want to know this, the landlords have enough of it I think with the present franchise, how are they to deal with it when every man in the country has a vote, as he will soon have? (Cheers.) I believe, and I am perfectly confident that if the landlords of Ireland now give in to what is fair and right, if they open the land to the people, I believe, I hope, I trust that this movement can be successful without sacrificing a man's property to the value of a farthing, for I am sure that that is the wish of the people of this country. But I will say this, that if persistent opposition is still offered to this movement, it can only lead to a perpetual quarrel in this unhappy land, and may God prevent that. (Cheers.) If this movement is yielded to wisely and sensibly by the misled and foolish landlords of Ireland, the effect will be that the farmers of Ireland, peaceful, honourable, and guiltless as they now are in every relation of life, and only troubled on this question of the land, will become on that too the most peaceful people on the earth, and the most respectful to the laws and institutions of this land when they become, as I know they will become, subject to the will of the people." (Applause.)

Mr. SPENCER C. HARRY, sworn and examined by Mr. Sergeant *Heron*.

Mr. Harry, have you been for a number of years on the staff of Gurney's shorthand writers?—I have, for sixteen years.

When did you come over to Ireland—about the 18th of September?—On the 18th of September.

And did you go to Riversville, near Loughrea, in the county of Galway, on Sunday, the 19th of September?—I was there on the 19th.

Now, did a Sub-Inspector and two constables from Loughrea attend you to the meeting?—Yes, they did.

And remained with you the entire time, or nearly the entire time?—They were just behind me.

Were you on the platform, or was there a platform?—There was not a platform. I stood close by the waggonette from which the speeches were delivered.

Now, did you report the speeches of Mr. Michael O'Sullivan and Mr. Matthew Harris?—I did.

Do you remember, before they spoke, that a Mr. Fallon was moved into the chair?—I recollect that he took the chair, without, I think, any formality.

Have you your original notes of the meeting?—I have.

And have you your transcript?—I have.

Have you compared the transcript with your notes, and is it perfectly accurate?—It is perfectly accurate.

You may take the transcript, having the original notes there to refer to if necessary, and read the passages I want.

The *Witness*.—Might I read for convenience from the print? I have compared it also with my notes.

Mr. *Macdonogh*.—Oh no. Take your manuscript please.

Sergeant *Heron*.—You have compared both the print and the manuscript with your original notes?—I have, and both are correct.

Then you may refer to the print. What was the first resolution proposed?

Mr. *Macdonogh.*—Pardon me; I wish to afford every possible facility in the reading of all those documents, but there must be some limit. I don't object to the transcript being read instead of the original short-hand notes, nor should I object to the print being used if I could get a copy at the same time.

The *Attorney-General.*—We gave an undertaking—which we have carried out—to hand copies of the speeches used one day to counsel for the traversers next day.

Mr. *Peter O'Brien.*—You might as well hand these copies to us next year.

The *Attorney-General.*—That was the undertaking given, and which you were satisfied with when we last met.

Mr. *M'Laughlin.*—I appear for another of the traversers separately, and I may be allowed respectfully to put it to the common sense of the Court, and, if I may use the expression, to the common sense of my learned friends, whether it will facilitate us that documents are to be read to-day copies of which we cannot get until to-morrow, that is what it comes to.

The *Attorney-General.*—You have the speeches all printed lying before you already.

Mr. *Macdonogh.*—Not the speeches you are now giving in evidence; those are our briefs.

Mr. Justice FITZGERALD.—The only question now before is whether the witness should read from his manuscript or from a printed copy of it.

The *Attorney-General.*—And they are both copies of the original short-hand notes.

Mr. Justice FITZGERALD.—If there is any objection he must read from the manuscript, the only object gained is that it will retard the case as much as possible.

Mr. *Macdonogh.*—If they would only give us a copy of the print there would be no objection to the witnesses using it then.

Sergeant *Heron.*—The witness has sworn that he compared the print as well as the manuscript with his notes, and both are alike correct [to witness] however, take the written *MS.* What was the first resolution proposed at that meeting? "That we protest against the action of Murty Hynes, of Ballybane, who has violated one of the first principles of the Land League in taking land from which another has been evicted."

Now, go to the speech of Mr. Michael O'Sullivan—it is a short speech—and read it, please?—Is it the first speech you mean—

His first speech. (*Witness* reads)—"Mr. Chairman, Ladies, and Gentlemen. After this day's meeting I think there is still hope for Ireland. Walls cannot hold out the light of truth, neither can walls hold out a determined people struggling for their rights. (Cheers.) It is now eighteen months since you have pledged yourselves never to take a farm from which another has been evicted. To-day you stand here to stamp upon the man who has violated that rule; to stamp upon him the indellible stigma of public abhorrence. You stand here once more to pledge yourselves never to take any farm from which a person has been evicted, or which has been surrendered from any cause whatever. (Cries of 'Never.') You stand here to pledge yourselves never to buy any goods, any farm produce, or any cattle which have been sold for rent. ('Never.') Let the sheriff come, and let him have his auction, but let him have no buyer. That is the only way in which you will be

able to put an end to landlordism in Ireland. What the evils of that system are need not be told you from this platform. You see it around you. You see it around you in every day life. You have trod, many of you, over the homesteads of the people now turned into large grazing parks for the cattle of the big grazier or the capitalist who has fed upon your labour. At last the manhood of Ireland has stood up and has said that it will tolerate this landlord system no longer ; that they will depend upon themselves and not be looking to others to do their work ; not looking to members of Parliament ; for instance, men like Mr. Mitchell-Henry. (Cries of 'Down.') Remember that it is the interest of these men to keep you in serfdom. It is your interest, in the name of humanity, to stand up and do away with that system. They have done it, as you have been told by Mr. Huban, in other countries. In Prussia they did it peacefully. The Government bought out the Prussian nobles in this way ; they advanced a certain amount of money to buy out the landlords, and they charged interest to the tenants upon that money.

"Now, for instance, take a farm of which the valuation is £100 a year ; the rent of that at the present time would be something about £200. Now, if you give the landlord twenty years' purchase, that would be £2,000 ; that at five per cent. terminable at the end of thirty-five years would be exactly £100 a year rent that you would have to pay for thirty-five years, and then the farm was yours. In France, the people set up and did not offer any compensation to these men; they would not have it ; but they hanged them, and they did away with them in that way. (Cries of 'The right way.') We have no right to say whether it was right or wrong. The French are the best judges of their own work. What we have to do is to settle our own question, and it can be done easily if you adhere to the principle of not taking a farm from which another has been evicted, and not buying anything sold for rent, and not working upon any farm from which a person has been evicted. If there are crops there, if there is hay, if there is anything to to be done, why, let the landlord come and work himself, like my Lord Dunsandle. Let him come over and save the crops himself, and his wife and daughters and sons, as your wives and daughters, who are a damned sight better than them, have to do. You must, above all, remember that there is no dignity but labour ; that the man who works is the only noble in the land ; that those other men who idle should be put into the penitentiary or jail, or some place, make them go and do a public work for their living. The only speech to-day that is necessary, is the fact that we have come here to-day, that we have proposed a resolution denouncing these men, and denouncing the system. It is not necessary to treat you to a long speech upon the land question. You know your rights, and you know you have nothing to do but in cases like these to assemble together to denounce the land grabber, if he does not give up the land. (Cries of 'Maim him.' 'Shoot him.') No, do not speak to him at all. If he goes into chapel, keep away from him, and made a ring round him that everybody may see him. Do not buy or sell from him ; and after a little time he will be very glad to give up the farm, and go back into honest life again."

Now, will you go to the speech of Mr. Matthew Harris—after Mr. Griffin's speech?—Yes ; Mr. Matthew Harris said (*Witness* reads) :—"Mr. Chairman and Gentlemen—It augurs well for the success of this great movement to see so many tenant-farmers rush here to-day for the preservation of their fellow-men. If that spirit had pervaded the people of this country in the past, our lands would not have been desolated nor our people driven by the four winds of heaven to every country in the

earth, as they have been. But I hope, my friends, we are entering upon a new era. This great movement is progressing every day, east, west, north, and south. The people are beginning to feel their own strength, and also beginning to feel the weakness of the tyrants who have been oppressing them in the past. There have been in the past which I have alluded to, two agencies which have been destructive to all the interests of our country. One of those agencies is the tyrant who comes directly to oppress, to enslave, or to destroy his fellow-man; the other agency, still more vile, a still worse and still more infamous agency is the traitor, the renegade, who co-operates with that tyrant. The tyrant landlord who would exterminate without mercy hundreds and hundreds of families, such a man would be powerless to act, if among yourselves there were not vile, false, bad men, men who look around them and watch to see where the poor man may be slack of money, where he may be wanting in means to pay his rent, and where he may be oppressed, perhaps by disease or sickness of his family, or any of those numerous calamities which we are all inherent to in this world. He watches such a man, and in the hour of his trial and weakness, at the very time when he should sustain him, he comes forward and he takes the home over his head or the land by which he was supporting his family. Let me tell you, my friends, that this man is worse than the tyrant and the oppressor who is striving to crush you down every day, because such a man feels very well, he knows, the sentiments of the people"——

That will do for the present. Will you go to the next page, and begin at—"If before these heartless exterminations took place, if before Lord Dunsandle had done the injury he has done?"—Yes. (*Witness* reads.) "If before these heartless exterminations took place, if before Lord Dunsandle had done the injury he has done, especially about the district of Kiltullagh, if they had assembled together in their thousands, as you have assembled here to-day, and if they had held up Lord Dunsandle to public opprobrium, if they had made this country too hot for Lord Dunsandle, in the sense of a country being too hot for the man who has the hatred of a people against him, if they had done that, the exterminations which have taken place upon Lord Dunsandle's property never would have taken place."

Mr. *Macdonogh*.—I require that passage to be read which my learned friend the sergeant asked the witness to pass over. It is absolutely necessary to judge of the context——

Sergeant *Heron*.—Very well. Will you go back again, Mr. Harry, and read the passage skipped?—Yes. After the words, "He knows the sentiments of the people," I was prevented for a few moments—by a surge of the crowd—from writing anything at all. The speech went on:—(*Witness* reads.)—"Now, gentlemen, I have spoken about these men in their individual capacity, but if I spoke of them in their collective capacity I could bring home to them all the calamities which have fallen upon our country, for the very first man who comes forward to take a single farm, that does all the harm. The great exterminations which have been in the past, those exterminations which, as I said before, have laid waste vast districts in our country, it was the first man that took a poor man's farm that was mainly instrumental in it. These things always begin small. One man begins and he takes a man's farm, Another imitates his example, and another, and another, and the thing extends itself ever, until at last it comes to this: The landlords take it into their heads that they can exterminate their people with impunity, just as my Lord Dunsandle, in the times that are past, has taken it into his head; just as he exterminated whole districts of country, exter-

minated his fellow-man, and along with his fellow-man, poor weak women and children; just as he exterminated them in the past so it will be in the future, if you do not resist every man who moves in that direction (cries of 'We will.'")

Now you had better go on and read the sentence again that you read before—"If before these heartless exterminations," and so on?—(*Witness* reads)—"If before these heartless exterminations, if before Lord Dunsandle had done the injury he has done, especially about the district of Kiltullagh, if they had assembled together in their thousands, as you have assembled here to-day, and if they had held up Lord Dunsandle to public opprobrium, if they had made this country too hot for Lord Dunsandle in the sense of a country being too hot for the man who has the hatred of a people against him; if they had done that, the exterminations which have taken place upon Lord Dunsandle's property never would have taken place. Therefore, my friends, I say you are here to-day engaged in one of the noblest and most glorious works men can be engaged in, you are engaged in a great work of Christian charity, you are engaged in assisting your fellowman, not by giving him a halfpenny or a few potatoes in charity, though that of itself is a good act, but by doing a work which will be beneficial not to one or two, but to thousands of thousands, to millions I might say, for it will extend itself throughout the whole country. You know as well as I know that the man's friend or brother from whom this farm has been taken was in the past one of the worst instruments that Lord Dunsandle had. Now I am not anxious to speak in favour of this Bermingham, who has been evicted from this farm. I have stood upon many platforms, but I always speak out my mind like an independent, honest man. It is not that we want to support Bermingham, it is not that we care about Birmingham, it is not that we want to interfere between Lord Dunsandle and the slaves that he has had around him in the past; but we have come to maintain the broad principle that no man should auction a crop, or take land from which another has been evicted."——

You may stop there for the present and go on to another page——

Mr. Justice BARRY.—But if he is afterwards required to go back again and read one passage twice over, is it not better that he should go on now?

Mr. *Macdonogh.*—Yes, let him finish the speech.

Sergeant *Heron.*—Very well, finish the speech?—(*Witness* reads)—"If this great principle is adhered to, if you keep this one point firmly in view, if you do not deviate from that, if you are firm, then all the rest will be very easy matter indeed. But if you are weak, or if you fall back, if you begin to collogue, or to make free with the man who does that, if you act in any way unworthy of Irishmen under such circumstances, then numberless calamities will fall upon you, upon your children, and upon your homes, as they have fallen in the past, on account of your doing this thing that I advise you against this day. Now I mean to follow the example of my friend Mr. O'Sullivan, the gentleman who has done more hard downright business in this matter than any other man in Ireland. I shall follow that example, and not make a long speech here to-day; but before I cease to speak I wish to allude to a very important fact, a fact which bears very strongly upon the Royal Irish Constabulary who are present here to-day. (Groans.) Do not; that is wrong. I can tell you, gentlemen, that on account of the great public spirit that rose up in this country at the time of the Fenian movement, some fifteen years ago, on account of the number of young men, who having been connected with that movement, were forced through neces-

sity to join the Royal Irish Constabulary, on account of this single fact, there is a very great improvement in the Royal Irish Constabulary of this country. I would not like to say they were all what they ought to be, but still I would like that when you would give a groan, it would be a qualified one; that it is the bad members of the force you are groaning.

"Well, gentlemen, with regard to the Royal Irish Constabulary, you know that there was a Bill brought into Parliament for the purpose of protecting the poor people against tyrannical bad landlords; that Bill was thrown out by the Lords, they went in opposition to the Commons, and one of the men who opposed that Bill I believe, though I am not perfectly certain upon the point, was Lord Dunsandle. Lord Dunsandle was one, and I am quite certain that Lord Ashdown if he were there (but he is in 'another place' to-day) he would have voted also against the measure, because upon his property, and I will digress for a few moments to speak of that property, upon his property they have a rule that when a tenant dies, the rent shall be raised upon the incoming tenant. Well, I do not know how he would like that rule to be applied to his own family, if the same reductions were made in the income of his family that he made in that poor family of which the father had died. We have one half of the Government with us; we have the House of Commons with us; we have the Lords against us. That clearly proves that the enslaved country cannot enjoy the constitution at all, for this reason, that if we could enjoy one of the greatest privileges of the constitution, that is to cut off the supplies; it is with the Lords to refuse a Bill, but it rests with the Commons to cut off the supplies to support the military in case the Bill is refused. Now if we had the government of our country in our own hands—and I hope the time will come when we have the government of the country in the own hands—cut off the supplies from the Royal Irish, cut off the supplies from the military, tell the Lords,—If you do not pass our Bill we will not pay men to tyrannise over the people for you, if that privilege of the constitution were exercised, you would soon have the Lords coming upon their knees praying the Commons to pass the Bill they had rejected. I put this forward, gentlemen, as proof that an enslaved people can have neither law nor constitution behind them. Before having done I would ask you to organize; to join in the next branch of the League; to do so in an orderly, sensible, and practical manner; for without organization we cannot hope to succeed. If any man comes and tells you, Oh, the Land League—no matter what it may be—the Land League is not a fit thing for a good Irishman to join, tell him you are as good an Irishman as he is; that you do not want to have any discord or disunion with your neighbours; that you have no discord with anyone only with bad landlords and land grabbers; tell him that, my friends, and as soon as the country is thoroughly organized, instead of the numbers that are here to-day, though the numbers are considerable, when a man has notice to quit, or when a farm is about to be taken from a man, tens of thousand of people will rush together to protect that man. In the presidency of Bengal, when what they call a "man-eater," one of the fiercest of the tiger species, puts his appearance in, the whole of the villagers around are in a state of alarm. The tiger! They do not know when he may devour some of them, and they all come together and make great exertions to drive him from the locality in which he is. So it should be with a bad landlord, his agent, or bailiff; when he comes into a district to oppress and grind them, to put people out of their peaceable homes, you should all congregate together as people do in Bengal, and drive that worst of

tigers from your midst. I am sure to-day that if the tenant farmers of Ireland had their choice, they would sooner have imported into the country so many lions or tigers, or any other savage animals, than have the landlords they at present have oppressing them. If you do not get up among yourselves a spirit of resistence; if you do not say that you have endured this tyranny too long; if you do not make these people understand that you are not tools for cravens to play with; if you do not show that you have sufficient courage, sufficient sense, sufficient moderation, sufficient judgment and reason, sufficient everything that is noble and right in man; if you do not remember that you are made after the likeness of the Great Being who is over us all; if you do not remember that, and that the true nobility of man consists in his resistance to everything that is vile and tyrannical; if you do not remember these things, and, remembering them, combine to put down everything that oppresses you; if you do not do that, between the bad government that is ruling over us, and the landlords as they are, and the bailiffs as they are; if you do not consider these things, I fear that those who come after us will say that those who came before them were wanting in the warm blood and generous sentiments that are the characteristics of true Irishmen. I beg now, gentlemen, to second this resolution which has been proposed for you. There are other gentlemen to speak, and I have already detained you too long. But I hope and trust that you will not attach too much importance to words. It is deeds that carry everything before them in this world. The words that I say will pass away like the wind that blows; but you yourselves, by union and working together, by joining together in forms of organization such as I have stated, will make these men feel that you are too great and noble a people to be oppressed in the manner that you have been."

That is the end of the speech of Mr. Matthew Harris. Now, will you read the first part of the speech by a gentleman named Mr. Peter Broderick, who spoke immediately after Mr. Matthew Harris?—(*Witness reads*)—"Mr. Chairman and gentlemen—As the order of the day is to be brief, I will try and adhere to that policy. As Mr. Harris has very nearly exhausted the subject, very little remains for me to say; but in looking round over this vast assembly, and considering the solemn and imperative duty that we have come upon here, I cannot express myself as I wish to, but I know that in your hearts there burns a feeling of indignation against this man who has thought to set aside the principles we hold so dear. About 18 months ago he thought to set aside one of the principles of the Land League, namely, to take no land from which another had been evicted. See how consistent the acts of this man have been with that teaching. I thought the spirit of degeneracy had passed, but unfortunately even in our own parish a man is found to break the rules and defy the people. A few days ago, when a man was joining the Land League, he said to me, 'I found it was foolish to attack a city or to fight single-handed against a crowd.' This man, Murty Hynes, did not consider that it was foolish to attack a city or to go against a crowd single-handed. He might have asked what power did the Irish people possess. As Mr. Kettle put it the other day, we possess neither cannon nor capital, but we possess the free and determined will of the people to assert their rights. We have no capital but the honesty of the people. This movement is only sustained by your fidelity; if a traitor is found among them mark him well, but that is all; refuse him your moral support, which you can do. We know perfectly well that we are engaged in a strictly constitutional and strictly legal course; let no man commit a crime at all which shall bring

him within the power of the law. Murty Hynes I did not know at all, but I certainly know him now; his action bequeaths to his children a legacy which perhaps no other man could give. There is an heirship of crime now which in his family shall be borne for ages, shall never die in ages to come. There are men now listening here who, when they become grey with years, when they pass by this spot might naturally point with interest to the spot where they held an indignation meeting to condemn Murty Hynes for his action."

That will do with regard to Mr. Broderick's speech, unless the remainder is desired by my learned friends.

Mr. *Macdonogh.*—You had better go on. It is the shorter way in the end.

Sergeant *Heron* (to *Witness.*)—Go on then, read the remainder of that speech?—(*Witness* reads)—"It is a matter of deep regret that in this Christian land upon the Sabbath men like us should have to come here to condemn the action of our fellow-man; but still it is a hopeful omen for us, when the national standard is sullied, to see all our children rush with torrent speed to uphold the national dignity of the nation. Now I hold a resolution in my hand which is, in fact, endorsing what Mr. Harris said. It is that you form a branch of the Land League in this parish. We should bear in mind that union is strength, and that were it not for the union of the people to-day the action of Murty Hynes could go as free as the wind through the air, and no one would notice it; but when the power of the people is massed together, then the weight of their vengeance falls upon them. You are asked to-day to organise yourselves; you have been told that organization should follow agitation. Goodness knows we have agitated long enough. Are we to do nothing else? To-day you are merely asked to join in it; to prove your strength, so that no more Murty Hyneses can crop up amongst you. By your moral power to-day you can inflict an injury upon that man that perhaps he is unaware of; you can refuse him your support; you can make him moan beneath himself until he says, 'O alienate of Heaven, O Spirit accursed!' It may be that to him, but you can look on quietly, and you can see that man wearing beneath the curse. As Mr. Nelson said so well in Kiltullagh a few days ago—to-day he began his crop. When he means to gather it up I do not know; but the best thing he could do would be to ask the whole party to go and save it for him.

"Now, as I said before, the order of the day was to be brief. I will be so. The resolution I have in my hand is the outcome of this meeting. You are asked to form a branch of the Land League, which will support you from the tyranny with which you are surrounded here. Unfortunately everywhere the eye can reach around here tyranny has been the rampant power for years. Will it be so for ever? No. It will if any like to have it so; it is in your determined power to put it down. Unless you are determined to put it down, and united to put it down, it will live on as ever it did. Now, in the presence of Mr. O'Sullivan, the secretary of the Land League, it would be presumptuous for us to speak about the Land League. It has been tried and never been found wanting. To-day you are in an isolated place, yet in a moment you are come here to raise your protest against the action of one man. This plainly tells you that the Land League is with you, and will you refuse the Land League your moral support? It is perfectly open and according to law. It is even open for the policemen to join in it. Now, gentlemen, before we disperse, it may be well to say that the object of this meeting is not to condemn a system or a class so much as to condemn the action of one man. Landlordism has been condemned

often and often, and will be till it is banished from the land. Now the action of this man meets, I think, with your greatest censure. He has acted hostilely to your interests, and is the very man who would go round to-morrow and defy the Land League. Well, the Land League has no power to do anything to him, but you can deal with him; you can refuse your moral support to him. When you meet him in the fair do not know him; when you meet him in the market-place do not know him; form that ring around him that Mr. O'Sullivan suggested to you. I think my office is done. I will just ask you to become members of the Land League. If any man does not know where it is, this (*exhibiting a placard*) will tell him. I will tell him that the people want to be organised so as to protect their own rights."

Now did Mr. Michael O'Sullivan make a second speech?—He did.

Mr. Justice FITZGERALD.—On the same day?

Sergeant *Heron*.—Yes; on the same day, my lord.

The *Witness*.—He did.

Sergeant *Heron*.—Read that speech?—(*Witness* reads).—"It now becomes my duty to move that Mr. Fallon leave the chair, and that Mr. Harris take the second chair. In proposing a vote of thanks to our recent chairman, who has recently been evicted, I must say that the reason I did not speak to-day was that I thought it was unnecessary, seeing that you had at last come to the conclusion of voting one of your own body into the chair at one of your meetings, and that you were not looking to some big gun, a J.P. or some other P in the place, that you were not looking for him, but that you took an evicted tenant and put him into the chair at your meeting. I thought that that was quite a sufficient speech in itself. I think the history of our meeting to-day will mark a new era in the movement of the Land League in the West. You have come here determined to protest in the most solemn manner against land grabbing, and you have done it. Mr. Murty Hynes is destined to have his name written in history with a very questionable, in fact an unenviable, notoriety. The only way that Mr. Murty can retrieve his name is to come upon this spot where we are standing and here give up this farm, give it up, and then let the late man who was evicted be reinstated, no matter how bad he was, and I believe he and his family were always bad. We are not here to reinstate any man, but we are here upon the assertion of a principle, and that principle we will maintain. There was another thing that struck me when I stood up here. I generally devote half of my speech for the education of the 'R.I.C.' We have not had many of them here to-day, and those that have been here have been pretty well educated. I think some of them would scarcely have joined the force if they'd had so much education previously. The young fellows are very good fellows, but the old fellows, don't trust them.

"Now, regarding the practical part of it, practical work is the thing that we should look to in Ireland. We have had too much music, too many flags, and too little practical work. Let us look to the practical work in the future. You have determined to organise a branch of the Land League in this district. Are you really firmly determined upon that? (To which there were cries of assent.) Let me see the hands of those who are. Before you leave this field enrol yourself in the nearest branch of the Land League, and unite yourselves in your own interests. If you are united the few landlords must give place to the millions of the people. This poor man that we had as chairman to-day has been evicted by Mr. Persse, of Roxborough. I believe he is a fox-hunter, but in this instance—cries of 'Rabbit')—he is a rabbit-catcher,

but he is a man-hunter, because he hunted this poor man on his farm; he hunted him even though there was not a year's rent due, according to what the man tells me; he hunted him and his wife and family; the youngest of them is only two months old. Is that the state Irishmen will be in always; will they only live on their land by the sufferance of these men, or will they not rather be united, stand up once and have a fight, fight for your homes? Will you not rather stand together in that fight than betray each other like this man; this traitor to your cause and to the cause of his country? Will you not stand together? I will not, in the words of the poet, pray that earth may refuse him a home, and heaven its God. I will not, for that would be giving too much importance to him. I would rather let him be among you a marked man; a man upon whom every man will look as if 't r a i t o r' was marked with a brand upon his forehead. And surely in this crowd or in this country is there any man who will stretch out the hand of friendship to a traitor? (Cries of 'Never.') There is not a man who would kneel at the same altar with such a man; there is not a man who, if he saw him walking on one side of a street, would not walk on the other, for traitorism and fidelity are the very opposite, and should take opposite sides of the street. Will you not thus mark him? Keep him with that brand upon his forehead until he comes here and makes restitution, and then when he does that, then hold another meeting, a jubilant meeting, to celebrate the triumph of your cause. I promise him that though to-day I have restrained my tongue, for if I let it free the hideousness of the act would cause me to say words that may be harmful to the cause I advocate; but if he comes here, if he gives up this land back again, I promise him that the words of laudation shall flow from my lips as the rain does from the sky, that nothing will prevent me from giving expression to my joy for the triumph of that cause for which I have humbly but heartily worked."

Who spoke next?—Then Mr. Harris spoke again.

Turn to his speech?—(*Witness* reads)—"Gentlemen, our chairman has not been much experienced in the duties he had to perform here to-day, therefore I will put *in globo* all the resolutions which have been proposed and seconded, as I now occupy the second chair. Every man who is in favour of the resolutions which you have heard read let him raise his hand. (Hands were accordingly raised). Unanimously. Any man that is against the resolutions which have been put forward. Not one. Now, gentlemen, before separating I would wish to make a few remarks about the poor man who has occupied the chair here to-day. You have heard yourselves from Mr. O'Sullivan how cruelly, how badly, the man has been treated by the Persse's. Now it is a most unpleasant task for me to be talking of or denouncing gentlemen of the County Galway. Among the gentlemen of the County Galway are to be found many men possessing good and noble qualities, but we cannot be splitting straws. We are engaged in a fair contest with the gentry of this country, and I say in that contest you have not greater enemies than the Persses of Galway. Another thing I have to tell you. These gentlemen are all allied through this country as blood relations, every one of them has intermarried, they are all related to each other, and all united to each other in their clubs, and their coteries and their meetings, and if you do not unite in the same manner, not by blood, but at all events by union in practice, of course those who are united will get the upper hand of you. Now I will make one remark. I have often been pleased to see a fine field of County Galway gentlemen go out to hunt, but another

melancholy reflection has crossed my mind, and it is this, when I see those men hunting over the hearth-stones upon which the people lived. Burton Persse, as master of the Galway foxhounds, I blame. I tell Burton Persse—I tell the whole of the Persses in Galway—that if they go on oppressing the people they will have to drop their hunting. They will not allow them to ride over the hearth-stones of the people all over the country. They will not allow them to go into a poor man's field or kill or injure the poor man's crop or frighten his cattle. They will not allow them to breed foxes to kill or eat the poor man's fowls in this country. We can meet these gentlemen in a thousand ways that we can think of. We can show them that there are clear-headed, intelligent men at the head of this movement, and if they try to crush us we can crush them. Now I tell you anyone who had looked at this poor man would see that he was an old, weak, helpless, and feeble poor man. Here was a man who, had Persse the heart of an Irishman in him, if he had the generosity of a Christian, or of a man in him, he would have assisted and not oppressed that poor man. But I warn him from this platform, and the like of him, that people will not put up with his oppressions any longer. This poor man has gone back to his home from which he has been put out. He has gone back against the wish of Persse, and I say the Land League will support him in that home again. Gentlemen, I think our business is all concluded here to-day, but I will make one further allusion. There has been a letter written by the man's father who took this farm; it shows that there is something of a good inclination on his part. He says he made a mistake. The only way to make people feel they have made mistakes is to show them what they have done as we have shown him here to-day. At all events he has written this letter. We don't care about the letter, but we want him to give up the farm, and if he does not do that he will find the public feeling—a strong public sentiment, not alone against him, but against every member of his breed. Shall I read the letter? Mr. O'Sullivan will read the letter, after which we will all disperse."

Did Mr. Sullivan then read a letter?—He did.

Begin then at what he says about that letter?—(*Witness* reads)—"This is Murty Hynes' own letter. I am sure Murty we will have a fine meeting here in a short time to pass Murty. He says: 'To the Committee of the Land League,—In regard to me buying the crop that Bermingham was evicted, I only bought the hay of it by public auction, and paid cash out for it, for it was the people's opinion that the League would not interfere, and if I had thought so I would not buy it, as Bermingham should be the last man to get the benefit of the League.' (So I believe he is.)

Sergeant *Heron*.—Who said that?

Witness.—That dropped from Mr. Sullivan. It is his comment.

"'As I have done it innocently,' he says, 'if I be paid my money back, or get time until I take my crop off it, I will have no more to do with it. I remain, yours, gentlemen, Murty Hynes.' Now Murty has a father, as every viper has. 'My dear Mr. Griffin,' (this is to the Secretary of the Gurteen Branch; the father is a member of that branch, and the secretary, as in duty bound, wanted an explanation, and here is the explanation:) He says, 'I received your letter this evening, and was about to write to you, whether I received yours or not, concerning the land of Bermingham that was bought at Conacre for a very small sum by my son Murty, who says he merely bought it as revenge of Bermingham, and did not know at the time whether it was the wishes

of the Land League or not to have Bermingham restored. He was not the first that bought, but others that there is no talk at all about. That will not be so for the future if any man takes a farm from which another has been evicted." (That was a comment.) "Murty was told that members of the Land League said that Bermingham's breed was too long in the country. Murty said he would be the last person in the country that would disturb the Land League, but aid it in every way he could. He paid £18 for the hay—and you have been saving it."

Sergeant *Heron*.—What is the reference to—you have been saving it?

Witness.—Well I would rather draw no inference. These are his words.

Sergeant *Heron*.—What was the reference to?

Witness.—Well the meeting were standing upon it.

Mr. *Macdonogh*.—But you would draw no inference.

Sergeant *Heron*.—At all events the meeting was standing upon it. Go on now.

Witness continues to read—"And to give it up would only be putting money in Lord Dunsandle's pocket. He paid the money the same day, not knowing it would come to this; but if he could only get so much of his hay as would pay him, he would give it up. Furthermore I would say for myself, if I thought the Land League would take such men as Bermingham, I would not join your branch, and it was his brothers that quenched all the fires on Lord Dunsandle's property. There was not one person evicted since his brother done it before; and as for Murty, he is willing to suffer a great part of his money if he had only some; you know £18 is a handsome sum to be at a loss, but as for any of my family to have anything to do with it, they have not. We are very sorry that it has happened, as it had anything to do with the Land League; but we promise to get out of it, as it is the best system, but for Martin Bermingham to get the benefit of the Land League, he or anyone belonging to him, he does not deserve it. I remain, yours truly, Michael Hynes." Mr. O'Sullivan proceeds to say—"That is the father's letter. Now if they give up this place, we will have that other meeting I spoke of, and that meeting will certainly be the trumpet-sound of a new and brighter history for Ireland." The meeting then dispersed.

Mr. *Macdonogh*.—I have nothing to ask you, sir, about it. You may go on to the next meeting, Mr. Heron.

Sergeant *Heron* (to witness).—Did you report the meeting at Oulart, in the county of Wexford, on Sunday, the 10th of October?—I did.

Did you report the speech of Mr. Sexton?—I did.

Do you remember the Chairman introducing Mr. Sexton to the meeting?—I find by these notes that he did so.

What did the Chairman say?

Witness.—He said, "I have great pleasure in introducing to you Mr. Sexton, the member for Sligo."

Will you go on and read his (Mr. Sexton's) speech, commencing at about four pages from the end?

Mr. *Nolan*.—My lords, we require the whole of the speech to be read. Mr. Sexton is a member of Parliament, and I don't think garbled statements from his speech should go forth to the world. I may tell your lordships that there is another speech which has not been read, and I will ask to have it read also.

Mr. Justice FITZGERALD.—What we are here to do is not to send anything forth to the world but evidence affecting the issue. Mr

Sexton is one of the defendants, and if you tell me, as his professional adviser, that in your opinion this speech—I mean the whole of the speech—affects the issue, then of course we will have it read.

Mr. *Nolan.*—No correct idea can be formed of a speech by merely reading extracts from it.

Sergeant *Heron.*—Does Mr. Nolan wish to cross-examine about the Riversville meeting?

Mr. *Nolan.*—No; but I want the whole of this speech read.

Sergeant *Heron.*—The speech is one of enormous length.

Mr. *Nolan.*—I am not going to ask to have any speeches read that I don't think necessary.

Mr. Justice FITZGERALD.—Do you mean to read twelve pages, perhaps not one line of which affects the issue. If you would follow out that course we would be sitting here for months. Far better to go on as you have been doing until we see how far these extracts go.

Sergeant *Heron* (to witness).—Go to page 19, commencing with the words, "Now, what I want you to do here to-day?"—(*Witness* reads)—"Now, what I want you to do here to-day, as representing the Irish National Land League, and as speaking for the Irish party, your representatives in Parliament, is to bind yourselves together with bands of steel, which will unite every man of the farming class; that will leave no man, whether Protestant or Catholic, whether well-to-do or ill-to-do, out of the organization. The landlords have an organization of their own. A friend of mine went into a shooting gallery in Dublin the other day, and he saw a stout middle-aged gentleman in a bottle-green coat firing away at a mark with a revolver. This gentleman did not look like a very sporting character, and he said to the keeper of the gallery, 'Who is that?' 'Oh, that is a landlord come up to practise shooting.' 'Indeed,' said my friend 'that is very surprising, have you many of them coming here?' 'Indeed, we have, Sir,' he said; 'we have had about two hundred of them this week.' So that if the landlords take to practising shooting now, we shall find that they will give the police something to do. It will be pleasant, indeed, by-and-by, to find that the police are so busy with the landlords who have given so much trouble to the Irish people that they will not give any time to us."

Now go to page 21, line 45, commencing with the words, "The Land League has not up to the present advised the tenants to pay no rent?"—(*Witness* reads.)—"The Land League has not, up to the present, advised the tenants to pay no rent, but the Land League is at the present seriously considering whether in view of the evictions and ejectments and threats and the unwise and insane conduct of some of the Irish landlords, it may not be necessary for us to take some more stringent steps very soon than we have taken up to the present time. Unless the landlords at the eleventh hour take counsel and consider that the people is irresistible, we propose to send an intelligent agent to every part of Ireland, who will find out whether the land is rack rented, and if we find it is impossible to live upon the farm, that the rent leaves the tenant no margin to live upon, we shall propose to the tenants not to pay any rent at all. Next we shall ask you to bind yourselves not to take any farm from which the tenant has been evicted for the non-payment of an unjust rent. I remember a story bearing on this point. An Englishman was talking with my friend, Joe Ryan, about Ireland, and as a rule, an Englishman always finds something bad in Ireland, in the climate, or in the weather, or in the air, except in the Government, not in the Government, and he said, 'You are very backward in the science of agriculture; you should establish model farms,

where the farmers would be taught the rotation of crops and all things necessary for scientific cultivation.' 'I will tell you what it is, we have very good farms in Ireland; there is a farm in my country, there was a poor man working very hard trying to pay the rent until at last it got too hard for him. Well,' said he, 'we are very united in that place, when we come to a decision we are all of one mind; and since that poor man has been turned out of that farm, you never could get a man to take it. That is what I call a model farm,' he said. We ought to have a model farm like that in every county in Ireland. I should think that if the organization of the League prospers in this locality, as I hope it will, there will be perhaps one or two model farms in the county of Wexford soon for the education of the landlords.

"How are you to treat any man who, in the face of these public resolutions and your matured judgment, meanly crawls to the agent or the landlord and arranges with him to pay a rent which the farm could not afford, or to take upon any terms a farm from which a tenant had been unjustly evicted. You are not entitled to use any violence to him. You are not entitled to use any violence to him in his person or property, and it is not necessary. My advice to you would be to treat that man as if he had no existence. There is no law to oblige you to shake hands with him; there is no law to oblige you to say good morrow to him when you meet him in the road. There is no law to oblige you to have any communication with him. I believe that that system carried out, not by one or two of you, but by all of you by one united action, is powerful enough in six months or a year to put an end to the system of land grabbing in Ireland. There is no man of obstinacy strong [enough], or of moral nature dull and obtuse enough, to resist for any time the scorn of his fellow men. It is bad to live upon a desert island, but there is one thing worse than living on a desert island, and that is living on a moral desert island; living in the midst of a population, but yet living in the midst of a desert of contempt created for you by your own acts. Furthermore, you should never buy any part of the produce of a farm from which the tenant has been unjustly evicted. The landlord may take to the cultivation of the farm himself, and it would be a good thing to see the idle landlord doing anything. But I think you should not assist the landlord by buying any produce at the auction, because what has always given power to the landlords in Ireland? This, that the people in Ireland had nothing but the land to live upon, and when a man lost a farm there were twenty people looking for it. But, as my venerable friend has said to you, it is better that a few people should suffer for a short time, than that all the people of Ireland should suffer for a long time; therefore, if any man wants a farm, in God's name let him exercise a little discretion and wait, and use self-denial, because the moment a farm is left idle, that moment the landlords will cease to evict; they will find a tenant in the hand is worth two in the bush. There is one thing more you must do. If any man is turned out of his farm because he will not pay an unjust rent, you, when you put your heads together, should see that that man and his children, when he is turned out, do not starve,—that he does not become a victim of his patriotic devotion. There, I have spoken to you of the simple code of emancipation of the Irish tenant-farmer. If you, one and all, shopkeepers and farmers, unite in this grand, this patriotic as well as this sacred bond, it is not in the power of landlords or of kings, it is not in the power of Governments or of Parliaments to long delay the concession of your rights. The future is on your side. The instincts of humanity and the law of God are all upon your side, and, I believe my-

self, that the day is not far distant when Ireland sees a happy and emancipated tenantry planted upon her soil, and it will be proved that the men of Wexford are amongst the happiest in Ireland; that they have neither the base spirit nor the craft of slaves." "The resolution, being put to the meeting by the Chairman, was carried *nem. con.*"

Now go back for a moment to page twenty, at line forty-five, near the end of the page?—Line forty-five, that will be at the lower part of the page.

Yes, the lower part of the page?—(*Witness* reads): "Now I ask you to unite in this locality,—spread the light in this and every other locality you know; to enrol all the farmers, prove to them that their only safety, their only hope of success, lies in the organization of the Land League. Believe me, if you are not able to settle this question in Ireland yourselves,—if you are not able to show in the next six months that you can bring a force to bear that will bring the landlords to their knees, you need never expect the British Parliament to settle it for you."

Did a gentleman, introduced as Mr. Devereux, speak immediately after Mr. Sexton?—Yes.

Will you go about fifteen lines down in his statement to the resolution in his speech?

Witness reads:—"The resolution I have to propose is, 'That we hereby promise not to take any land from which the occupier may have been evicted for the non-payment of any rack-rent; and we further pledge ourselves never to purchase any goods, cattle, or crops distrained or seized under any execution for such exorbitant rent, and we will look upon any man who violates this rule as an enemy to the national cause.'"

Sergeant *Heron.*—Now, please go on with the speech?—(*Witness* reads.)—"Fellow-countrymen, that resolution does not require many words from me to make it received here by everyone with acclamation. It is a resolution which comes home to every man; it is not only the tenant farmers—the labourers and the shopkeepers too can carry it home, because who does it affect? The land-grabber—the Pontius Pilate of the 19th century. Whenever a tenant is evicted for non-payment of an unjust rent; mark—an unjust rent—if you meet that man in the streets, shun him; if you meet him in the fair, tuck up your coat and keep away; if you meet him at a little convivial social entertainment, walk out of the house, and you will soon bring him to his level, and soon find that he will be as good a man as you are, and perhaps a great deal better. The other day, in the third city of Ireland—the city of Limerick—a land-grabber took some land upon which too high a rent was charged, and the unfortunate man was evicted; he brought down his corn, and his oats and his hay to market; he walked in, and thought he would sell. He asked a factor to sell it; he said he would not, he had better people to sell for than him. He then wanted to sell it himself; but he brought it home. And you may depend he will pay no rent this year."

Sergeant *Heron.*—Now that is all I ask you about Oulart.

Mr. *Nolan* (to witness).—Have you taken down the names of the Catholic clergymen who were present at that meeting?—Not unless they spoke.

Can you, as a matter of fact, tell me whether there were Catholic clergymen on the platform?—There were—there was one in the chair.

The Very Rev. Canon Kenny was in the chair?—He was. Rev. Canon Doran and Rev. Mr. Dunne spoke.

The Rev. James Furlong was also at the meeting, I believe?—No, not as a speaker, and I did not know any other person.

Did you remark a large number of the Catholic clergy there?—Yes.

Before the rev. chairman introduced the speakers he made a speech?—Yes.

Have you got a note of that speech?—Yes.

Would you mind reading it?—It is a long speech.

Well, really, it is a speech of some importance, and I would like to have it read. I am sorry for troubling you, but I cannot avoid it, and I promise the Court that I won't have any speech read that I don't consider important, and bearing upon the issue.

Witness reads:—"We are assembled here to-day to overturn that system of landlordism which by its injustice has paralysed the energies of the agricultural classes. It has engendered animosity and revenge between landlords and tenants themselves, has kept alive bigotry and discord between Protestant and Catholic in this country. This landlord system has been at the foundation of all the evils of this country for the last three centuries. The land surface of this county, as well as of most other counties of Ireland—the land is an uneven surface—each man's farm has three or four qualities of land in it, but especially three. It has the verge of a mountain, some few fields in the middle, or some acres pretty fair, and then it is verged again by a bog. Every man's farm all through, excepting some little part of the valleys, is made up of three classes, two of them very unproductive soils, the mountain sort and the bog. When a farmer has a farm of this kind he goes and he labours hard himself and his sons and those that he is able to employ, and they commence generally upon the mountains; they begin and clear off the bushes and the stones with a crowbar, to make it arable and fit for the plough to pass over. Having done this he turns his attention to the bogs, and himself and his family begin to sink sewers, and they go into these sewers [*or* shores], and with the cold spring and the hard labour of it he has made an old man of himself at 45, and his sons will show signs of age at 28. The land, by his hard labour, becomes improved. When it is reclaimed and manured in this sort of way, the bog is drained and subsoiled, and the mountain part cleared of bushes, and the rocks raised out of it, and so then, when it is manured and cropped and sowed down a bit, it becomes very green looking. Now, from my own experience, I have seen a landlord in this parish going through some parts where it was cultivated in that way, and he says to the tenant, 'Oh! this land is worth £3 an acre, look at the greenness of those fields. I must raise this rent, you have it for nothing.' The tenant tells him, my father did all this. The old man that reclaimed it has passed away. The tenant will say, 'my father did all these improvements, he reclaimed that hill there, he raised the stones out of it, and from the mountain, he sewered that bog.' The landlord says, 'I know nothing about your father.' He brings down a valuer. He has some man brought down to value it, and he puts down what value the landlord thinks fit upon it. The rent is raised upon the man, he is made to pay for his own improvements. In the time of our fathers, even or grandfathers, most of the land round about was only 2*s.* 6*d.* or 5*s.* an acre, but in our father's time, when the bog was cleared off and the rocks taken out of the bog, they raised it then to 15*s.* and £1, and 25*s.* afterwards, and 35*s.* and £2 an acre, and all this done without the landlord laying out a shilling upon it. In 1848 there was some reclamation done upon wet lands around this parish, and what way was it done by the landlord? He got

the money out of the Board of Works and he put the payment of it, at five per cent., upon the tenant. He kept that rent upon the tenant for ever, they did this in most cases because the tenants had not leases. The Government stood by the landlords and improved the land for them, and the tenant paid back the per-centage to the Government, I suppose, in so many years, and the landlord came in for the whole of that improvement. The tenant, when he is rack rented after all these improvements, cannot when bad years come again, he is so high rented that if any disease comes among his cattle, or any distemper, and he begins to lose them, loses his pigs and has bad crops—then when the landlord comes he ejects him, brings on his crowbar brigade and turns him out upon the highway, and levels the house over him if there is any opposition. And what is worse, the Government sends round armed troops upon the people. We see the Lords in Parliament how compassionate they are for the poor animals. If a man only drives his ass upon the road without shoes upon him they fine him, and the Government sanctions that—it upholds that system in this country, that system of oppressing the poor man and holding up the rich man. People in this country can never be satisfied, we can never be loyal to the Government which oppresses the great mass of the people for the wealthy to luxuriate and to become spendthrifts, not only in their own country, but even on the Continent and everywhere. If the English Government wants Ireland to be a loyal province let her come round and let her legislate justly for the hard working classes, for the industrious farmer, and for the labourer, and let her make the whole population comfortable, and not be legislating for a certain class over us. I have a few letters in my hand to show you. First of all, there was an attempt made by Mr. Gladstone and Mr. Bright—those men certainly the Irish people are sympathising with, and they are becoming a little loyal to those men; because in 1867, Mr. Gladstone thought to render some justice to the tillers of the land; he did his best, but his exertions were overwhelmed. His Bill was manipulated; it lost every clause that would bring justice to the tenant, in the House of Lords, by the landlord members. We will never get justice out of the House of Commons, out of Parliament, until you learn not to put any landlord in there at all. Let them be sent out of it at the next election—let them be swept out of the House of Commons—out of the three kingdoms—England, Ireland, and Scotland. Until the voters of the country learn to protect themselves, to put in members true to their cause, they will always be oppressed. Now the Act of 1870 was an Act, as you know, to establish joint proprietorship in the land, giving the tiller of the land a little property as well as the landlord. But how has that acted? It cannot give satisfaction at all. The landlord class, the governing class, who are in Parliament making the laws—the law makers are always great lawbreakers, is an old saying—they being in Parliament to see justice done to the tenants, how do they manœuvre? They assemble together, they plot, they contrive, they sit in council together and make up a plan to evade and to overturn this Land Act of 1870, such as it was. Now I have a lease in my hand, and it is only just a pattern of the leases, one of thousands given in this parish by the landlord, and what does he say in this lease? This lease not only makes over (it is a lease of thirty-one years), what does it do? It is the only one that is presented to the agricultural classes, and you may find this lease in many cases in this parish, it not only makes over all the improvements which has been made upon the land, that has been made for 200 years before one the land by the tenant and his ancestors, but it makes over also at the end of

thirty-one years, all that has been done upon the land, even the hedges—it says, even the trees that are planted, and are to be planted; so that the man with this lease could not even plant a barren acre upon his land, which the landlord would not have at the end of his lease. Now there is a certain property in this parish which is managed in the Court of Chancery, and there are upwards of nine townlands of it in this country; it is a large property in Lither parish"—[I am not sure about the name]—"it has townlands in Blackwater parish, it is a property belonging to a minor; and is in the Court of Chancery, and I tell you that of all the properties in this parish there is not one that is managed with such oppression upon the tenants as that one in the Court of Chancery. Who is to blame for that? Is it not the Masters and Judges in Chancery who do not give fair play to the tenants? It is a rack rented property, and I will show you some letters I have in my hand from the then receiver who was evicting the tenants by wholesale. (*Down with him. To hell with that man*")—[that was a cry from the crowd]—"This receiver at that time twelvemonths had advised certain deductions, even the receiver thought they were unjust, he knew they ought to be made, but the trustee of the minor was there and he opposed it. The trustee belonged to the landlord class. I always thought the Court of Chancery was a Government Office, and that the masters and judges of it were appointed by the Government—they are appointed by the Queen, therefore, if they are the representatives of Her Majesty in this part of the kingdom, why do they not give fair play between the two classes, and why do they not put the land up at a fair rent and let it satisfy them? The land upon that property has been rackrented for years. Last spring, upon this property, the receiver had a meeting and assembled the tenants upon it in my parish, he called for the rent—there was no sale for cattle, the corn was bare, and they held it in their hands thinking the sale would be better, and they told him to hold on a little while, that they would get a sale for their cattle. He grumbled and threatened law proceedings, and after some time when he was coming round to receive the rents, what did he do? The men had made up the rents and some had the rent in their pockets. Some had half a year ready to pay him, and some told him that they would pay him when they had got it from America or sold their crop. What did he do when he saw them assembled to pay the rent? He kept the door shut and would not let them in, and kept the process server ready to serve process upon them. There is the Court of Chancery. How can we be loyal to the English Government with these people being turned out upon the high road barefooted and barelegged, so that they may die upon the road it may be? This state of things cannot last. England ought to take advice. She will ask, her statesmen will ask, how can it be done, how can a settlement be made? We will tell them very readily. The landlords of the country have been used for three generations to such oppressions upon the people, putting their rents in their pockets upon the farms that have been got up from the people's hard labour and the improvements upon the farms. When the landlord has been so used to pocketing that, he will not come down very readily. Will not he hold it in his pocket? Will not he hold his ill-gotten goods in his pocket until you put a bayonet to him? And when one class has been lifted up and still overawes the people, the common masses of the people cannot be loyal. If the English treated us as other Governments treated other countries, there would be no more loyal people than the Irish would be. But let the people live in their homes. My advice to the farming class has been to stick

to economy and industry, to pay all the rent they can that would meet the landlord's just demands. I would advise the landlords also to be moderate and come to terms with their tenants, and if that advice was taken we would not have cause for this agitation. But the system of landlordism has gone on for so many years in this country, the landlord is so used to oppressing his tenants, that the thing cannot be settled between them. They must be bought out of it altogether. How was it in the poor kingdom of Prussia seventy or eighty years ago? There was the same fight between landlord and tenant, and the peasantry was not loyal to their own Government at the time. The King of Prussia saw that he could not get loyalty out of the tenants unless he did them justice, so what did he do? He tells the landlords to settle with the tenants or he would settle it himself. The King came round and settled it himself. They opened banks which made the purchase, and when a poor country like Prussia can settle it in that way, we do not want to tell a rich country like England how they should do it. They could settle it with one Act of Parliament, and pay the landlords a just price for their land, and let the tenants pay for it for so many years until it be paid off, at a certain interest or a certain rent. That is the only true way. We cannot have a joint proprietorship in the land at all. The tenantry of Ireland if they had a joint proprietary in it would be always harassed in the courts. They would be always going to law, and they would lose more than the re-adjustment of the rent would give them. Might would rule over right, and the tenant would still be oppressed. Let it be settled between them justly, all classes would then become loyal to the Government, there would be peace between them, there would not be such a bone of contention. Now I am going to show you a letter from this receiver. In this letter from the receiver, he had ejected a poor man, the receiver was here in my parish receiving rent, and this man owed his rent. He came in with half a year's rent, and asked him to receive it. No, he would not. What did he do? He said it must be paid in so many days or he would be served with a process. I wrote to the receiver, and told him, 'It looked so much like oppression for a tenant offering to pay rent to be served with writs, especially a year like that, when they had not a sufficiency of food and little or no seed;' and I told him, moreover, that this man—because the receiver had made an affidavit in this way (mind the villany of the thing): he told the Court of Chancery that there was a combination amongst the tenants to pay no rent. And the next paragraph of my letter is this, 'Let it not be said that there is a combination amongst the tenants to pay no rent, for I am in a position to deny that statement, at all events, as far as my parishioners are concerned.' What does he write back to me? He says—I have it in black and white—'I know I could not find in your parish a combination to pay no rent.' He allowed it was not in my parish, and he says, 'Many of your parishioners paid more rent than they were able to pay.' He knew that I could prove it; he knew that, and he said many of your farmers do pay rent, and he knew I was aware of it, and only for that he would not have acknowledged it.

Serjeant *Heron*.—Having finished that passage, that will do.

Mr. Justice FITZGERALD.—Is that the whole of the speech?

Serjeant *Heron*.—No, my lord, there is much more.

Mr. *Nolan* (to witness).—I will ask you now to read Mr. Sexton's speech.

Mr. *Walker*.—From the beginning of it.

Mr. *Nolan*.—I really think it would be much more convenient that

the crown should give us a copy of the speeches, and we could pick out the extracts we want. If not, we must only ask to have the whole of them read.

Mr. Justice FITZGERALD.—I am afraid, Mr. Macdonogh, what we have been hearing now, I can only call a long rigmarole which does not appertain to the issue to be tried. If it has any effect at all, it is one very prejudicial to the defendants themselves, in my opinion. If this is to be persevered in, we must enlarge the hours of sitting. The only way we can do is by sitting from ten to six o'clock each day.

Mr. *Macdonogh.*—I am afraid Mr. Nolan will request to have that speech read.

Mr. Justice FITZGERALD.—I have no doubt.

Mr. *Nolan.*—I am instructed, my lord, to have it read.

Mr. *Macdonogh.*—For my part, I ask to have all this speech, which I will not at present designate stuff, read for the jury.

Mr. Justice FITZGERALD (to witness).—Go on now and read it for the jury?

Witness reads Mr. Sexton's speech :—

"Very Rev. Sir, and men of Wexford, I have the honour to appear before you in support of the resolution to which the venerable priest who has just addressed you has so ably spoken. I was in hope that the position which I have the honour to occupy before you here to-day, would have been filled by your senior member, Mr. Barry, one of the ablest lieutenants of the active Irish party, and one of the most faithful followers of Mr. C. S. Parnell. However, Mr. Barry, like most of those who stand around me here to-day, in fact, like myself, is a man who has to live by his own labour, and consequently, he is not able to give so much time to the public service as I am sure in his heart he wishes. It was necessary for him to return to London to superintend private affairs of great importance, but before doing so he called upon me desiring me to convey to you his message of sympathy and his best wishes for your success. Now, my friends, for the first time in my life, I have the honour to appear before an audience of the men of Wexford. I feel great pride and great pleasure in doing so, because I remember what the great Cork man of another generation, Thomas Davis, wrote of the men of Wexford. He said 'between (two places I am not quite sure about) there is as stout a mass of men as ever saved a State by honest franchises, by virtue, and by industry—and there is as stout and brave a mass of men as ever tramped through a stubborn battle.' Your grandfathers upon this soil fought a stubborn battle against the enemies of Ireland, and you have a stubborn battle to fight to-day. It is a battle that must be fought with other weapons. You have not to go upon the hillside with the weapons of war, but the cause for which you fight is the same—the object is not different. You fight for peaceful and for happy homes, and you fight for them, not only for their own sakes, but because when you are secured in happiness, and in the enjoyment of the fruits of your labour, you will then be better able to struggle for the rights and independence of your country. Now, my friends, what is the struggle in which we are engaged? It is a struggle against a strong and ancient institution. The institution of landlordism in this country, and what is the record of that institution? We find its memorials in our unroofed houses, where formerly our simple and our virtuous peasantry gathered around their happy hearths. What have the landlords of Ireland ever done for the people—they have enjoyed the land of the country for generations and for centuries, and what have they ever done to benefit the people, to assist them, to improve them in the scale of civilization? Have they, like the landlords in other countries, come and stood by their

people in sickness or in distress? have they built schools for the children of the people? Have they exerted themselves out of the vast fortunes that your labour has raised for them—have they exerted themselves in any way to give you the light of education or the comforts of civilized life? They have not. In every other country in the world, even where the tenants were serfs, where they were considered to be slaves, and living and existing, drawing the breath of life at the mercy of the landlords, even in those countries the landlords have always deemed it to be a duty to stand by those poor serfs in their distress—to send them doctors in their sickness, to see that their children had some share of education; but in Ireland alone have the landlords been content to act as the suckers of the blood of the people. In Ireland alone have they been content to have no other tie between themselves and the people of the country, except the rent collector and the sheriff. Now, this being the system of landlordism in Ireland, I think it is high time for us to consider whether it is consistent with civilization, or with the rights of the Irish people, or with the hopes of the race that landlordism should continue in this country. I am distinctly of opinion that the time has come when the Irish people from north to south and from sea to sea should make one united and determined effort to put an end to landlordism for ever, and thus to place their country in line with France, with Prussia, with Russia, with America, and with all the great nations of the earth. It was hard to pay rent in the past, it will be harder to pay it in the future. The struggle for life is becoming every day more difficult and more fierce, the whole world is now only one big farm. Such are the facilities of communication between one country and another, by railways and by steamers, that the farmer of the Western States of America and the farmer of the great plains around the Black Sea and the East of Europe competes with the farmer of Ireland in his own markets. The produce of all the world is brought into Great Britain by steamers and railways —competition brings down prices—you have more to contend against than either your fathers or grandfathers had in the way of procuring a return for your labour, and hard as your fathers and grandfathers found it to pay the rent to their landlords, I tell you that yourselves and your sons and those who will come after you will find it still harder, and that the competition of great countries where no man pays any rent, in France, in America, and in Russia, the competition of those countries where a man has the soil for himself and where he pays no rent will drive the Irish farmer out of the market. Now I tell you that there is no cure for that except to place the Irish farmer upon a level with the farmer of other countries in the world, and there is no way of doing that except by buying out the landlords, by doing away with the idle classes who are a burden upon the industrious classes, as the old man of the sea was a burden upon the shoulders of Sinbad the sailor. You will never be in such a position as that until you are in the position of being rent free, so that the land of the country will be your own. Now if there were anything necessary to convince me that it is idle to hope for any settlement of the land question, which will continue the landlord and the farmer in existence, and yet do justice to the farmer, I find it, when I look back on the attempts which have been made to settle the Irish land question already—I am speaking to men who most of them know more about the subject than I do myself—if I say anything that is incorrect you will be able to correct me. You all remember the passing of the Incumbered Estates Act; that Act was passed with what was called a benevolent and kindly intention towards the Irish tenant. It was passed for the purpose of enabling the landlords to sell

their properties in the Court, and the idea was that by enabling them to sell their properties the country might get rid of the class of the old landlords who were supposed to be against the interest of the tenant, I mean the old needy men, men of the old stock, the men who had gone through their properties and embarrassed them, in the card playing and roystering days of old. They had heavy mortgages upon the land, and those mortgages obliged them to exact heavy rents from the tenants. The idea was, that if those men who had land embarrassed, went into the Court and sold the estates, they might be succeeded by a better class of men—that is to say, succeeded by men who would be able to let the land to tenants on easier terms. What happened? The embarrassed old needy landlords went out, but they were succeeded by a generation of landlords infinitely worse than themselves. As bad as the old landlords were they had a drop of generous blood in them; they came of old families, and the relations between themselves and the people were very often cordial and friendly. Very often the landlord of old times, hard driven himself, was found willing to send a tenant every aid he could, but the new class of landlords, the men who bought and who made their money over the counter in trade, and who knew the value of every coin before they spent it, they went in, they were not satisfied with the rents the old landlords were, but they went in upon the skinflint principle. So the new landlords, the "Ebenezer Scrooges," who came in, these men charged eight or ten per cent. interest upon the land, and the tenant found himself in the hands of a worse master than before. Now, the only regular effort which has been made to settle the land question was made in 1870 by Mr. Gladstone's Land Act; we all know of that. Mr. Gladstone, who is a very humane, a very wise, and an experienced man, said he believed that Act would settle the Irish land question. Now, after a lapse of ten years, we find the land question more radically unsettled than it was before that Act. When I look over this country, what do I find? I find that instead of doing good, though individually it has done good in some cases, I say it has lowered generally the condition of the body of the Irish tenants, it has done more harm than good. There was one clause in the Act that whether the rent was high or low, an alteration of the rent was considered a new letting of the farm, and the tenant who submitted to an alteration of the rent, escaped all the conditions of the Act. So the landlord had only to say to the tenant, I will put a shilling in the acre on your rent; if he refused to pay the shilling he was turned out of his farm, and if he accepted it he was said to have contracted himself out of the benefits of the Act. Now, Mr. Gladstone, I believe, from a humane motive, fixed the scale of compensation for the tenants who were turned out of their farms. The small farmers were to get seven years' rent, the large farmers were only to get one year's rent, for being disturbed. What was the effect of that? The landlords said to themselves, if we have small farmers, when we turn them out we shall have to pay them seven years' rent; if we have large farmers, we shall only have to pay them one year's rent; our business therefore is to turn out the small farmers and put our farms into the hands of the large farmers. What has been the effect of that? The quantity of tillage has gone down, and the stream of emigration has continued. The bone and sinew of our land, the fathers and mothers and fine, strong stalwart boys and girls, who might be fathers and mothers of a stalwart Irish race in the future, have been driven by thousands across the Atlantic. And even since that Act the consolidation of farms has gone on, and if ever a farm has become vacant the land-

lord has been anxious to add it to the next one, because the landlords knew that if they had to turn the farmer out they would not have to pay so much compensation as if they had a lot of small farmers upon their lands.

"It is perfectly plain, therefore, that the attempts of the English Parliament to settle the Irish land question have been up to the present time bungling attempts; they have tinkered at the question and have left it in as unsound a condition as when they began to tinker at it. My conclusion is, nothing will ever do except to place the Irish farmer in the same position as the farmer in other countries, and to make the tiller of the soil the owner of the soil which he tills. Now, I have read lately in the public press, some criticisms upon that proposal of Mr. Parnell's. Mr. Parnell pointed out that what had been done in Prussia might very well be done in Ireland. The answer made to that by the English Press, and some of the worst enemies of the Irish race are the writers of the English Press, men who have great ability, but no sympathy with the wants of the Irish people, they said that the case of Prussia bore no comparison to Ireland because in Prussia the tenants were serfs. I say in Ireland the tenants are worse than serfs, because they are more open to starvation and oppression than they were in Prussia, or any other country. What was the serf? The serf was a man bound to remain upon the soil where he was born. He had no liberty to leave that part of the district where he was born. I consider that many of the tenant farmers of Ireland would consider that the Prussian serf was very much to be envied, because the Prussian serf could not leave the farm he was on, whereas the Irish farmer desires to be left upon it, and fears to be turned out. So he would consider that the former was very much the better off. But, supposing it was a disadvantage to him that he had to stay upon the farm, if it was a difficult thing in Prussia to raise the serf to the position of the true peasant proprietor, then Prussia did a greater work than we are asking the English to do, because, if it was more difficult to make a serf into a tenant than to make an Irish tenant the owner of his farm, then Prussia did a greater thing than we ask England to do, and England ought not to refuse the demand we make. Let no man convince you that there would be any difficulty is establishing a system of peasant proprietary in Ireland. Of course, there will be a great many here and there who may have an opinion different from that which the great bulk of the Ecclesiastical body hold. I say there may be small differences of opinion upon this question. One Irishman here, one Irishman there, may have his own crotchets. We should treat the opinion of our own fellow-countrymen with all respect, and we should not use unseemly language or violence to them, either on the platform or off it, we should allow them the same respect as we should ask for ourselves, but we should retain our own opinion, and when we hear any Irishmen say that peasant proprietorship is a vision or a chimera or a dream, we should be in a position to show that what has been realized in Prussia could be realized in Ireland in one Session of Parliament. If Parliament set its mind to do it, it could, and I tell you that Parliament will have to set its mind to settle it if you make up your minds that it must be done. Now, I happened two or three days ago to be reading a Parliamentary paper, published last session, about the water supply of the City of London. The City of London is supplied with water by a number of private companies, and the Government have the idea now of buying up the companies and putting the whole supply of the water into the hands of a department under the control of the Government. Now

what do you think they proposed to pay the water companies of London, for the purpose of taking up this right, and enabling the Government to take into its own hands the water supply of that one city. Thirty millions of pounds sterling. They propose to pay thirty millions of pounds sterling for the purpose of getting control of one single necessary of life, water, to the inhabitants of one city, mind you, one city in the empire. Now, if they are able to pay thirty millions for giving water to the Cockneys, I think they ought to be able very well to afford to raise a loan of one hundred and fifty or two hundred millions for the purpose of paying off the landlords of Ireland, and enabling them to put themselves to some honest labour. What is the total valuation of Ireland? Griffith's Government valuation of Ireland is about £12,000,000. Now, if the landlords of Ireland are to be bought out, the purchase-money ought to be based upon the valuation. That's the nearest test we can have of the value of the land, and it is a test against which the landlords ought not to complain, because it is supplied by their friends, the Government. Now we will say that the valuation of Ireland is £12,000,000 a year. Now I believe some time ago land could be sold for twenty years' purchase in Ireland, but I have reason to believe the value of it is running down. I know very well that the Land Judge in Ireland has very little to do. Estates are brought into his Court for sale, but it is exceedingly difficult to find buyers—they are at fifteen years' purchase now, and they will be at ten years' purchase very soon, and unless the landlords of Ireland take the matter up, and take some steps, I should not be surprised before long to see them at five years' purchase. But take it at fifteen years' purchase, £180,000,000 would be sufficient to purchase the landlords out, and send them about their business. Send them out to civilize the Zulus ——"

Mr. *Nolan* (interrupting).—That was not Mr. Sexton's remark?

Witness.—It was part of his speech—"Send them out to civilize the Zulus."

It did not come from the crowd?—Well, I am speaking from memory. But I have my original notes here.

Oh, you have your notes. Well, look at your notes; because I have a paper here before me. (*Witness* then searched for his shorthand notes, and after a few moments Mr. Nolan added)—You can find it out afterwards.

Mr. Sergeant *Heron*.—No; find it out now, please.

The *Solicitor-General*.—Let all controversy be set at rest.

Witness having referred to his shorthand notes, said—No; it is part of the speech.

Mr. *Nolan*.—So you say.

Witness.—So I say, and more than that; although I would not say so——

Mr. *Nolan*.—I am not asking you for any explanation.

Sergeant *Heron* (to Witness).—Say what you were going to say.

Mr. Justice FITZGERALD.—It is part of the speech. Of that there can be no doubt.

Witness reads—"My argument is this, that if £30,000,000 could be afforded so easily for the supply of water to London, six times that, which is £180,000,000, could be afforded to give peace and prosperity to the whole country. Now it would not be necessary to pay out a single penny in cash. All the Government would have had to do would be to create what is called a State Loan. Suppose an estate was valued upon the valuation at fifteen years' purchase, at £10,000, the State would issue to the landlord a bond, say at three or three and a-half per

cent., it would issue a bond for £10,000 to the landlord, and he could either keep the bond and go and draw the interest every half year, or go into the market and sell the bond, and he could easily find purchasers for it upon the good security of a public loan of Great Britain.

"Now, supposing there were ten farms upon this estate, and that the value of each farm was £10,000, the Government would spread the payment over so many years and charge a fair interest. Now, if the land was bought on fair terms, say fifteen years' purchase, you know there are so many farmers paying a rackrent, one and a-half or twice the valuation, that spread over thirty-five years would be very much less than they are paying at present. In fact, in many cases, the farmers would have to pay,—in most cases,—only three-fourths of the rent they pay at present. They would have to pay that back in thirty or thirty-five years, and they would never have to pay anything to anybody again; so at the end of three or four years there could be a lottery by the State, and a certain number of these bonds could be wiped out. At the end of thirty-five years the whole of the bonds could be wiped out, the landlords would have received their money, and the State or the country, would not be a penny the worse. The farmer would be in a prosperous condition, so that there is no opposition in reason, or politics, or public honour. There is no reason for opposition, except the prejudice that exists in the mind of a class in Ireland, and the prejudice that exists in England, to settle any Irish question upon a just basis." I have now reached the point to which I read in my examination in chief.

The *Attorney-General.*—I am afraid not; you may go on.

Mr. *Nolan.*—Say where you commenced. You may pass over any part you read before. (*Witness* reads)—"Now, when we ask how are the landlords of Ireland fighting this battle, I think you may very well feel proud of yourselves—proud of the people at large, when you compare the way in which we are conducting this frightful struggle with the way in which the landlords are acting. How do we act? We are come into the open, arguing the question fairly and legally, we are not counselling violence to anybody; we are depending upon the strength of organization amongst the people, and we are depending upon the strength of that public opinion amongst the people which will deter any mean or cowardly wretch from doing that which the public condemns. But how are the landlords acting? Well, I have heard them in the House of Commons, and I have heard them out of it. I know their tactics pretty well by this time. When a landlord rises in the House of Commons, and it is very hard for anyone else but a landlord to rise, because there are very few else there; but when he speaks upon the land question, what does he do? He slips the question entirely, whether the landlords are asking more rent from the tenants than they can afford to pay—that is a delicate question; but he turns upon "outrage;" he talks about murder; he strives to blacken the character of the Irish people; he strives to prove that they are out of the pale of public sympathy; that there is nothing good for them except coercion. Now that is the system of Parliamentary argument on the land question. Now, outside Parliament, what have they done? Ever since the movement began they have not had the courage to write under their own names; they have not met upon platforms, but have been writing anonymous letters to the *Express* and the *Daily Mail*, and the other organs of the Tory party, maligning and blackening the character of the people, and stirring one another up to outrage. I have even seen one letter in which a landlord

wrote advising his fellow landlords, when they were sitting in a room after dark, never to pass between a light and the window; there was a sensible fellow for you. And I have seen another letter in which a civil engineer laid down a scheme for landlords, that they were to sow the lawns and walks with dynamite, so that if any man put his nose inside the gate he would be blown into a thousand atoms. That is a very reasonable and moderate way of arguing the question. Now, the last thing the landlords did, I suppose you have all heard about it, they assembled in Dublin the other day to the number of 105. I was surprised to see them selecting the number of 105. 105 is the number of the Irish Members of Parliament. I do not know whether the landlords deceived themselves into the belief that they were Members of Parliament. In former times when they wanted to get any dirty work done at the Castle, they could always find plenty Members of Parliament, but the Members of Parliament are now upon the platforms of the people. These 105 gentlemen held a meeting in a hall in Molesworth Street, and one would have imagined that if they had anything just to say they would have had these gentlemen present who are here at my right to report their words, so that their case might be judged upon its merits; but I have a sort of private opinion their case has no merits, because whenever they want to talk about it they go behind doors, and lock themselves in, and keep themselves as private as if they were a Freemasons' Lodge. The other day, after laying their heads together for two hours in that hall, they decided to go up to the Castle and have a talk with the Government, and they managed the whole matter so privately, that the agents of the press of Dublin, who were at the Castle at three o'clock, enquiring whether there was any deputation, were told that there was no deputation expected that day, but five minutes later the deputation was shown in to Mr. Forster. But I have very good reason for believing that they, after saying what they had to say, received something very like a snub from the Chief Secretary, for Mr. Forster is a man who was not born yesterday. He has had some experience of public life, and it takes something more than 105 landlords to throw dust in his eyes. They went into the Castle, and then what went on took place very quietly. Still, I think I can tell you what happened. They went in and said they desired to have the Habeas Corpus Act suspended. The country has passed through three years of famine, and the bulk of the people, but for the harvest this year, would have been driven to desperation. The farmers are deep in the books of the shop-keepers. After the people have emerged from that terrible agony, what is the proposal made by the men who have sucked the blood of the people, who have taken their income, who have more than their share of the value of the land. What is the proposal made now, because they find the people coming together asking reasonably that the produce of their toil should belong to themselves? They say, 'Take away the personal liberty of the people.' These matters cannot be allowed to go on; if there is any liberty in speaking their minds, landlords cannot live in England at all. Let the liberty of the people be placed in the hands of the Lord Lieutenant, or of any sub-constable with an india-rubber conscience, who swears that he has 'reason to suspect' that any man is disloyal. The second proposal made was that the Peace Preservation Act should be renewed. The Peace Preservation Act was in force up to last July. When the Liberal Government came into office they found themselves face to face with Mr. Parnell, and with thirty-five or forty men under Mr. Parnell's lead, who cared very little about what the House

of Commons thought about them; they were determined to stand no nonsense, so that I can tell you that if the Government had determined to renew the Peace Preservation Act, instead of being here talking to you, I would have been over in London now, and in all probability we would only have been in the middle of the session. Now you know what the Peace Preservation Act was; it denied the first right of any man—to carry arms. It denied the right of any man to be out at night, unless at the mercy of the police, and it enabled the Lord Lieutenant or the police to put into gaol, and keep there as long as they liked without trial before jury or judge, any poor man they liked. It enabled the police to inflict that last insult upon the people of Ireland, to break into the houses of the Irish, and to break into the bedrooms, and thus outrage the sensibility and the modesty of our Irish women, and hurt them in the most sensitive part. Well, these gentlemen at the Castle the other day wanted that Act renewed. They also wanted to threaten the Government; they said, 'if you do not give us what we want, if you do not place the liberties of the people at the mercy of the police, and throw the houses open so that they may visit the people at night, and make the people the slaves of the Castle, I will tell you what we will do, we will not act for you as magistrates on the bench, and we will not act in the Grand Jury room.' I think I may speak for the people of Ireland at large; I think that we could do without them in the Grand Jury room. I think that we could get better men than ever they were or are upon the benches; and I think that if Government would give them all their walking papers to-morrow, we would undertake to give them a new and a better set of grand jurors and magistrates in a month. That was one of the threats they threw out to the Government, and they threw out various threats of that sort, until at last, Mr. Forster, after listening to them a long time, asked them, 'What suggestion have you to make,' evidently showing that Mr. Forster did not consider these things I have shown you as suggestions at all. They were as dumb as dogs, they had nothing to propose, and Mr. Forster politely bowed them out of the place. I understand they felt very much disappointed at their reception at the Castle, and, in fact, the impression has spread amongst them that they made a very great mistake in going there at all. Now, if these landlords had any gumption, any common sense, they would perceive that they might just as well attempt to turn back the Falls of Niagara as to turn back this great movement. When Mr. Forster said 'have you any suggestion to make?' they would have said the most sensible thing, 'Yes, Mr. Forster, we have a suggestion to make—we want you to establish a peasant proprietary in Ireland—we want you to pay us out—give us in the name of God any sum you think fair for our land.' Believe me, the longer they wait the less they will have to get—the longer you carry on this movement, the less they will get, the lower the value of the land will get. Now, what I want you to do here to-day, as representing the Irish National Land League, and as speaking for the Irish party, your representatives in Parliament, is to bind yourselves together with bands of steel, which will unite every man of the farming class; that will leave no man, whether Protestant or Catholic, whether well-to-do or ill-to-do, out of the organization. The landlords have an organization of their own. A friend of mine went into a shooting gallery in Dublin the other day, and he saw a stout middle-aged gentleman in a bottle-green coat firing away at the mark with a revolver. This gentleman did not look like a very sporting character, and he said to the keeper of the gallery, 'who is that?' 'Oh, that is a landlord come up to practise shooting.' 'Indeed,' said my

friend, 'that is very surprising, have you many of them coming here? 'Indeed we have, sir,' he said, 'we have had about two hundred of them this week.' So that if the landlords take to practising shooting now, we shall find that they will give the police something to do. It will be pleasant, indeed, by-and-by to find that the police are so busy with the landlords who have given so much trouble to the Irish people that they will not give any time to us."

Witness.—Then there is the story about the shooting: I think I read that—(reads)—"Now there is a story told about Bagenal Daly, who was very fond of boasting about his skill with the pistol. 'What can you do with a pistol?' some one said to Daly. 'Well, I can knock off a wine glass from the stem at fifteen paces.' To which his friend replied,—'That is all very well, but you know that the wine glass has not a pistol in his hand.' Now, if the landlords take to shooting there will be shooting at something more than wine glasses; if they take to shooting there might be some shooting back. The best thing the landlords can do is to act considerately, because if they take the law into their own hands and act upon the threats they made use of to Mr. Forster, if the Government that did not protect them, I can only say to them if they add to all the insolence they have shown to the people in the past,—if they add to that,—if they dare to proceed to deeds of violence to the people and their friends,—I can say they will hasten not only the settlement of the land question, but that that settlement will be preceded by a catastrophe of which they had very little gauge the extent. Now, I am here to-day to tell you that that organization must proceed, and that the Land League looks to the county of Wexford for help. Thomas Davis said, in his famous essay on Wexford, which I quoted before, that there was no county in Ireland fitter for freedom. He said they were slow to move, but that when once got into motion there was no more steady motion in the world. We know what you did in '98 under the most terrible and disheartening odds. We know that the same spirit that was in your grandfathers is yours. We know that the same blood is in your veins, and the same spirit in your bosoms. We believe that the farmers who are well off in the world will not selfishly stand aloof and let the poor people fight out this battle. Neither do I believe that the shopkeepers will stand aloof,—they know their lives are bound up with the farmers. It is not upon the aristocrats that they have to depend for their means of living, it is upon the bulk of the people who surround the small towns that the traders of the towns have to depend, so that if they take an intelligent view of our action upon the land question they will help you in this movement. Now I heard a story which shows how hard it is to convince the shopkeepers in the towns that their interest is with you. An agent was in Tipperary, and was spending the evening in one of the towns, and a shopkeeper said to him, 'I don't know what I am to do if I do not get a little more means—all my capital is out among the farmers,' and so on. This man had been refusing to join the Land League, giving those winks and shrugs of the shoulder, and all those excuses which a man can find. Then he began to talk about his debts, 'I have £1,200 among the farmers, and there is not one of them can pay me more than 1*s.* in the pound.' 'Is that distributed among many'? 'Oh, yes, it is among a good many.' 'What sums do they owe?' Then the shopkeeper took the book, and my friend of the Land League fixed his eye upon an item of £78. 'So' he said, 'this farmer owes you £78. How long has he been getting into that debt?' 'About three years.' 'What is his rent?' 'About £30 a year.' 'Bad cess to you, don't you see that you are paying the rent, and not he.' It never struck him that

he was paying the rent,—but the produce of the farm was not sufficient to do more than support the farmer, so he went to the shopkeeper and borrowed the money from him, and gave it to the landlord. It ought to be plain to the shopkeepers that their interest lies in promoting such a reform of the laws as will enable the farmer to live and pay his debts, because it is a bad sign when the landlord takes such a rent that the tenant cannot pay his rent, but is obliged to go to the shopkeeper and borrow."

The *Attorney-General*.—You have read the portion following before?

Witness.—Yes. (Continues reading)—"Now I ask you to unite in this locality—spread the light in this and every other locality you know; to enrol all the farmers, prove to them that their only safety, their only hope of success lies in the organization of the Land League. Believe me, if you are not able to settle this question in Ireland yourselves—if you are not able to show in the next six months that you can bring a force to bear that will bring the landlords to the knees, you need never expect the British Parliament to settle it for you. I know that last year when Mr. Forster brought in a little Bill to protect people who were ejected by the landlords, what happened? Mr. Gladstone came in with 150 votes more than the opposition; but such is the prejudice in favour of landlords in that House that the majority of 150 bound and pledged by their pledges upon the hustings to aid Mr. Gladstone, melted away like the snow upon the mountain under the sun. Some of them disappeared over to the Tories—some went away altogether, and it was only by the action of sixty of us that the Bill passed the Commons. Now about the House of Lords. You never saw such a dull place in your lives. I have been there a few times in the evening—you see a few old men like ghosts moving about and murmuring to each other. I suppose they can hear what they say, because you sometimes hear someone say 'hear, hear,' like a voice out of the grave. But on the night that this Bill came on, such was the fury and the terror excited among the landlord class all over the kingdom, by the idea that there was to be any law passed again to protect the Irish tenants that they came from all parts. They came from their hunting in the Highlands, they came from the Continent, they came in their lawn sleeves, there came peers with black hair, peers with red hair, peers with gray hair, and there came peers with no hair at all (laughter), and some of them were carried like the people we read about in the Bible—the lame, and the halt and the blind—they came in crowds and in legions to vote down the Irish Bill. There were only fifty lords out of the 500 that sit in the House of Lords that went with the Government that night. I sat in the gallery and watched the men that were voting against the Government. You would have thought the stream never would have stopped. There were a crowd of bishops sitting in white sleeves, the emblems of purity; and when the division came, those spiritual overseers and preachers of the gospel of peace and good will, went into the lobby against a Bill to protect the people from ruin. Now you will never get a good Land Bill from those two Houses of landlords, unless by your own organisation in Ireland you bring about such a state of affairs that the landlords will be helpless in your hands. Now I would be very sorry if I thought you were depending upon the English Houses, but I know you are not. I know you can carry whatever you want. The first thing you have to do is this. The tenants on every property should consult with one another, they should consider what their produce brought in, what their farms brought them in, what they had to pay their labourers, what they had to pay for manure and seed,

what they ought to take for themselves and their families for decent and comfortable living, and should then decide what is a fair rent, what they should pay their landlords, allowing themselves a fair living. After that they should offer to pay that to their landlords, and if the landlords refused to accept that rent, to accept a rent which would allow the tenant leave to live, then I say, and I deliberately stand by the opinion here, and I will repeat it in the House of Commons—I say until this question is settled, it is this duty of the tenants, the fair rent being refused, to pay no rent at all.

"There is one thing more you must do. If any man is turned out of his farm because he will not pay an unjust rent, you, when you put your heads together, should see that that man and his children, when he is turned out, do not starve—that he does not become a victim of his patriotic devotion. There, I have spoken to you of the simple code of emancipation of the Irish tenant-farmer. If you, one and all, shopkeepers and farmers, unite in this grand, this patriotic as well as this sacred bond, it is not in the power of landlords or of kings, it is not in the power of Governments or of Parliaments to long delay the concession of your rights. The future is on your side. The instincts of humanity and the law of God are all upon your side, and I believe, myself, that the day is not far distant when Ireland sees a happy and emancipated tenantry upon her soil, and it will be proved that the men of Wexford are amongst the happiest in Ireland; that they have neither the base spirit nor the craft of slaves."

"The resolution, being put to the meeting by the Chairman, was carried *nem. con.*"

Mr. *Nolan.*—This is all I'll ask you.

Sergeant *Heron.*—Did you report the Land League meeting at Carrick-on-Shannon on Sunday, the 24th October?—I did.

Were Mr. Thomas Brennan and Mr. Sheridan, two of the traversers, there?—They were.

Did you report their speeches?—I did.

Now, will you go to the speech of Mr. Thomas Brennan. How was he introduced by the chairman to the meeting?—The chairman said, "The next speaker is a member of the Land League, by name Mr. Thomas Brennan."

Will you turn to the report of that meeting at page 25, line 23, and commence at the place "We make war upon the system of Irish landlordism"?—This is at page 5.

Yes; at page 5, line 23?—(*Witness* reads).—"We make war upon the system of Irish landlordism; upon that system that has destroyed your country; that has driven its best and bravest children to exile and to death; that system that is accountable for the ruined homesteads and desolate plains that are around us to-day. We make war upon that system, and we will continue to make war upon that system till the last vestige of its feudalism shall be swept from the country. We do not advocate half measures; we do not propose that work should be forced to enter into partnership with idleness, but we say that a man who tills God's earth, and who enriches that earth with his labour, should be the owner of it; and no settlement of this question will be final or accepted by the Irish people that fails to do this. The persons who now come forward with exploded theories of land reform in order to divert the public mind are, whether conscious of it or not, enemies to the people's cause. It is your duty to find out what is right, and to go for that. If there is to be compromise, let the offer of that compromise come from our enemies and not from our friends. No doubt

you will be told that our principles, that the principles of the League, are highly Communistic, and a homily will be delivered to you upon the rights of property by men who can show very little right to the property that they call theirs (cheers). Yes, cheers for Michael Davitt, for to him, more than any man alive, is due this uprising of the democracy of Ireland against the land clique [or thieves]."

Sergeant *Heron.*—It was either land clique or land thieves?—Yes; I could not catch the word. I could not say whether it was one or the other. I took it for one word, and the reporter next me for the other.

Mr. *M'Laughlin.*—What do you say it is?—"Clique."—(*Witness* reads)—"I was saying you will be treated to a homily upon the rights of property by men who can show very little right to the property they call theirs. But if a "Communist" means a man who takes what belongs to another, who will not work himself, but who believes he has a right to what you and I work for, then the Communists of Ireland will be found in the castles and not in the cottages. It is about eighteen months ago since the people of Mayo, goaded to desperation by the acts of the men who were robbing them, put their backs to the wall, struck out from the shoulder, and said they would stand it no longer. Will you do this?"

Sergeant *Heron.*—Will you go to page 7 now?

Mr. *M'Laughlin.*—It is a very short speech, and perhaps it would be best for him to go on to the end of it?

Sergeant *Heron.*—Very well?

Witness reads:—"I think that there are very few people but will acknowledge that the cause of labour has made giant strides during that period. This is entirely owing to the democratic tendency of this movement. Too long the Irish people relied upon leaders and failed. We are now asking them to rely upon themselves (*So they will*), and as long as we continue to teach these democratic doctrines, as long as we do not preach any doctrine that is immoral or degrading, I think this movement is entitled to the support of the Irish people. This is a movement of the people for the people, and it should not be confined to any one section of the people. This is not merely a farmer's movement, it is a movement of the workers of Ireland—of the workers of Ireland against the idlers. It is the duty of the whole industrial classes to join in that combination. You will observe that the landlords have recently become very anxious indeed about the interests of the labourers, and they are endeavouring to show that their interests are antagonistic to the interests of the farmers—they are endeavouring to show—they are endeavouring to make us fight among ourselves again, but do not be deceived. The cause of the tenant farmer is the cause of labour, and therefore the labourers' cause. What concerns the farmer concerns the labourer, the artizan, the merchant, the professional man. In Ireland the land is the source from whence we all draw, so that if the laws that regulate the land are bad we all feel the weight of them. If sufficient attention has not been given to this question of the labourers, it is entirely owing to the fact that until recently this movement has been confined to parts of Ireland where there are not two classes, but where every farmer is a labourer. Well, I am glad that the question has been raised, and I publicly thank the landlords here to-day for having raised it. The labourer must be made as independent of the farmer as the farmer should be independent of every other man in the country. The labourer must have a home and a plot of land, and know not the name of landlord in connexion with

either. This is not merely a land movement, it is a labour movement, and it is only by the force of such a movement that the rights of labour can be protected from the greed of moneyed power. Too long the people neglected their own power. Labour was scoffed at and derided by the wealthy until it became almost considered a crime to obey God's command to fallen man. But the Trades Unions have taught us a lesson, they have taught the people their power and how to use it. We want now a similar union of the people of Ireland against landlordism, and in advocating this, in asking this, we are not advocating anything that is contrary to religion or morality. The landlords have joined in combination against your rights, and try to uphold land monopoly. We want you to join in combination for the assertion of your rights, and to break down that monopoly. But I am bound to tell you that that monopoly can never be broken down merely by agitation. This agitation is only good in so far as it teaches the people their rights, and leaves organization behind it. So if you want this movement to succeed it must not be an agitation of mere words, it must have the organized and determined manhood of the country at its back. Your duty will not be done when you return to your homes this evening—your duty is not done by attending meetings of this kind. A more important duty still devolves upon you when you return to your fields and your workshops. You must have a network of organization throughout the land. There must be a branch of the Land League established in every parish in the country, and every man that lives by honest labour must be enrolled in that branch. The triumph of this great cause is now certain if you but rely upon yourselves. Do not mind the talk about State prosecutions. They may prosecute, they may imprison a few of us, but they cannot prosecute the nation (cheers). They cannot imprison a cause, a cause that depends, not upon man but rests upon eternal principles of right. That cause cannot be destroyed. I verily believe that for every one of us that is cut down, or sent into prison, there will be ten more ready to take up the cause. It is a poor cause that cannot afford a few men to prison, or to a greater trial than that, if necessary. Were it otherwise, and if with the arrest of Mr. Parnell the cause with which he is identified would also be arrested, then the farmers of Ireland would deserve nothing better than the degradation and poverty that is their present portion.

"In order to carry on this movement to a successful point, you must observe three things. First of all, you must organize, then you must refuse to pay an unjust rent. The man who now pays an unjust rent is worse than the man who extracts it. You must refuse to take a farm from which another has been evicted. A man that takes such a farm is infinitely worse than the man who has caused the eviction; and should such a man be found in the country, then you should visit him with the severest sentence of social ostracism; the vengeance of the people should fall heavy upon him. There are a thousand ways in which you can punish him without violating the law. There is no law to compel you to speak to him; there is no law to compel you to sell him goods; there is no law to compel you to deal with the man who would sell him goods. This now is the programme of the Land League. When we have a more extensive organization we will have a more comprehensive programme to submit to you, and when we have that thorough organization, the days of Irish landlordism are numbered, and upon the *debris* of that system you can raise the structure of an independent and prosperous Irish nation. Mr. Jasper Tully will address you."

Sergeant *Heron.*—Now, will you go to the speech of the traverser, Mr. Sheridan?

Mr. Justice FITZGERALD, addressing the jury, said—We will give you half-an-hour to day, and you will make the best of it, for we must sit here till at least six o'clock.

The Court then rose for half-an-hour, and on resuming

The examination of the witness was continued.

Sergeant *Heron.*—Mr. Harry, will you now go to the speech of Mr. Patrick Joseph Sheridan, the traverser, page sixteen, line twelve?—(*Witness* reads)—"But, my fellow-countrymen, reduce these speeches and doctrines to practice, carry them home to your firesides, to your farms, to your workshops; bind yourselves together and organize like men, and before God and Heaven proclaim your rigid and stern determination to no longer submit to a system which has left your children and your wives eating the bread of charity, and the bottom of the Atlantic whitened by the bones of your friends. By these means, fellow countrymen, by this sort of organization, and by strict and rigid adherence to the principles propounded by the League your voice shall rise into the air like the rumbling thunder that shall agitate the atmosphere. And if the British Government, and all others whom it may concern, do not take the hint from us, the hour may come when you will be asked to hurl the thunderbolt of your defiance in the teeth of any who should dare to (inaudible through cheering). I have been informed that the leaders of this movement are going to be put upon their trial and cast into prison. Well have Englishmen yet to learn what Irishmen are made of? Have they not yet learned that we are not cowards? Have they not yet learned that we have the courage of our convictions, whether on the platform, the hill-side, or the scaffold? If they have not, the men who took this platform shall once more prove to them and to the world that we come out here to give utterance to our convictions, to demand the restitution of our plundered rights, and to have them, or know why."

Sergeant *Heron.*—Now, go to the continuation of Mr. Sheridan's speech, page 17, line 19, beginning "Now, let me see that in future?"

(*Witness* reads).—"Now, let me see that in future, at the next election of Poor Law guardians, no man shall go in to represent any division but a Land Leaguer; let me find at the election of town councillors that no man will get a place there but a Land Leaguer. Let me find that when a brewer or a distiller in Ireland shall begin to vend his whiskey or his porter you shall not drink it if they are not Land Leaguers. If any man declares against the principles of the Land League shut his house up, if he dares. If any fellow should go behind the back of an evicted tenant and attempt by any sort of means, direct or indirect, to seek the possession of the evicted farm, let him be pointed at at fair and market; let him be hissed; let him be hooted; do not strike him; do not break the law. You can point him out, too, as I saw done the other day at the fair of Tobercurry. When a land grabber sent in his cattle to be sold there, the bellman went out and said, 'Mr. So-and-so has sent his cattle to the fair; is there any man to buy them from the land grabber.' They were moved around from one part of the fair to the other, a crowd of farmers followed them, the land grabber's cattle. They had to be taken home, I believe, and turned out on grass, or I do not know what else he might have done with them; but when he wanted his horse shod there was nobody to shoe him; when he wanted his potatoes dug he had to go out

and to work his burly little carcase at the potatoes himself. When he wants some turf to boil his potatoes for dinner he has to go and put the creel on his back; nobody will sell to him; nobody will buy from him, and by-and-by, when his stock-in-trade is consumed he will be able to pack up his bundle and to get out. By this sort of organization you will be able to break down this system which an armed revolution might fail in prostrating. But above all things there is one thing I must tell you. You have to rely upon yourselves as men. You have to organize the strength and manhood of your country together, and while moving along in this constitutional agitation you must make up your minds that come weal or woe, that once we are a united people, if we do not get our rights and our liberties constitutionally, like earnest, stalwart men, conscious of the dignity of their demands, conscious of a feeling that moves within their breast, and conscious of their own rights of freedom and independence, that you must at any cost have Ireland a free and independent country."

Sergeant *Heron*.—Now go to the second speech of the traverser, Mr. Thomas Brennan, page 21, and read the whole of it?

(*Witness* reads):—"It now becomes my pleasing duty to move that Mr. Waters do leave the chair, and that Mr. Lynch, of Elphin, be called thereto. And I will avail myself of the opportunity in order to move a cordial vote of thanks to our chairman for the manner in which he has presided at our meeting to-day. I am sure that resolution does not require words from me to recommend it to you; but I will, before bidding you good-bye for the present, ask you to allow not the seeds of political truths which have been scattered broadcast to-day to fall upon barren ground, but that you will tend them until a regenerated Irish nation shall be the result of your labours. I trust this meeting to-day of the toilers of the country will be a sufficient answer to the croaking prophets who have been foretelling a split among the working classes, and that this meeting of the farmers, the labourers, and the artizans to-day, will lay the foundation of a fraternal brotherhood of labour which alone can guard men's rights against the coercion, the monopoly, and the tyranny of capital. In prosecuting this great social war I trust you will never forget that Irishmen have a higher duty still, and that is the sovereign independence of their country. Reference has been made by some of the speakers to the members that represent or rather misrepresent Leitrim in the Imperial Parliament. Well, now, I do not care much for parliamentary representation in any form at present, as long as we have to send members to the English House of Commons, but as we have to send them there, it is better that men would go there who would represent the national opinion of the country. I think the men of Leitrim should not be content to have any officer in British uniform representing them. I do not believe in the efficacy of parliamentary representation in the English House of Commons. I believe that if this country is ever to be redeemed, socially or politically, it will be by the might of mind and might of arm of Ireland's democracy. I ask you to keep before your minds the one ultimate object, the sovereign independence of your country, and when that glorious day shall come when the refulgent blaze of freedom's sun shall burst over the disenthralled Irish nation, and the headstone shall be rolled away from the sepulchre, you who, like the Magdalen, have watched by the tomb, shall look up in the heavens and say you have borne a part, and no unworthy part, towards hastening the day which shall see Ireland's social and political regeneration."

Sergeant *Heron*.—There is no more of that speech,

Mr. *M'Laughlin.*—I think that Mr. James Waters that you mentioned in the second speech of Mr. Brennan was the chairman of that meeting?—He was.

I don't want to ask you to go into any tedious detail of what he said, but may I ask you do these four lines represent the substance of what he said?—"The chairman declared that the potato crop had failed to a ruinous extent this season, so that the people would be unable to pay rack-rent (cheers). He condemned crime or violence of any sort." Is that substantially what he said?—Yes, it is.

Mr. *Macdonogh.*—That is the substance of it?—That is precisely the substance of it.

Mr. *Macdonogh.*—Since your lordships adjourned we have been consulting and advising in relation to the proceedings which have taken place at the present juncture. I have so often practised before your lordship that I cannot fail to recognise the dignity and the kind courtesy of your lordships. You have been good enough to suggest, and to suggest wisely, that considerations for the public time ought to animate everyone connected with the case. I have, as the person charged with the great responsibility of conducting, advised, and my advice has not been entirely followed to the fullest extent that I should desire, but still my clients are most anxious that, while following my advice, yet at the same time they should not be misrepresented. I think it is but just to those fourteen gentlemen who are on their trial before your lordships that each and all of them should have an opportunity of showing that they are not what they have been represented to be, and that in their several speeches there are expressions which evince that moderation, and yet firmness, were the great objects which animated them. My lords, it appears to me that it would simplify the case very much if your lordships would pronounce a rule which I venture to take the opportunity of suggesting to you. My lords, I think it unfair towards the prisoners — the traversers — they are not yet prisoners — I think it is unfair to them to be told we will examine witnesses against you, and select portion of your speeches, and on the following day we will furnish to your counsel those speeches which will enable you to say whether you can qualify them or not. That is, after the opportunity is gone, we will give you the opportunity. We think, and we respectfully submit, that the case will be very much shortened if the learned Attorney-General—you see I wish to speak with all courtesy and kindness, and without any provocation—if my learned friend will, when he calls each gentleman, a reporter, or other witness, hand us reports of the meetings, and go on with those extracts—and I pledge myself that not a single word shall fall from us, or any of us, unless there shall be something of importance. If that be not done, I repeat and humbly submit that I am not asking anything unreasonable, and I confide in that justice with which I am most familiar—and the public know and the traversers feel the most entire confidence in that tribunal which I have the honour of addressing. I do, and they ought to take it from me. If they do that, the course of the trial will be simplified; if not, and that any witnesses state anything injurious to these gentlemen, counsel will qualify it if they can, and thus the trial will proceed, and at length, after the reading of a great number of passages, it will be my duty, and a laborious one to me, but one I will feel great pleasure in discharging, to address the jury on behalf of my countrymen.

The *Attorney-General.*—I thought the offer made on Friday was then considered satisfactory. If the learned counsel are not satisfied with

the portions which the Crown read, it is perfectly competent for them to have the rest read, and no objection can be made to that; but it would occasion a double difficulty if not wishing to rest satisfied with portions of the speeches read on the part of the Crown, my learned friends would seek to add a few isolated passages to the rest, the result would then be we would have to get the rest read. The simplest course is, if we do not fairly represent the speech of the traverser, read the whole of it, but if they do not think our extract fair, the whole must be read. I need not say I have not been reading Mr. Macdonogh's brief. I see very large briefs here which must contain something, and it is obvious from Mr. M'Laughlin's cross-examination that he knows the substance of each speech, and he knows whether the portions read on the part of the Crown fairly represent the speeches or not; but I object to a series of zig-zag readings, which, when one bit is read, another bit is read, and then something else must be read. The only way is to read over the whole—if they are not satisfied the whole must be read. We cannot supply the speeches as we go on, nor do we propose it. When, on Friday last, we offered to give copies next morning, the offer was accepted, I will not say with thanks, because we have no right to expect thanks in a case of the kind, but we do not intend going further at present. I am not aware in any such case—even in the Queen *v.* Mr. O'Connell—that any such courtesy was even asked for, much less acceded to.

Mr. *S. Walker*.—We have all, I hope, a vital interest in the saving of public time; it is of no benefit to anyone, it is of no benefit to the counsel, and it is certainly of no benefit to the Court. We have pressed what your lordships have laid down as our undoubted right, which we exercise, sometimes perhaps erroneously exercise, but so far as we can, fairly. It is not correct to say that we have, in our briefs, a report of the speeches, occasionally that may be so, but usually it is not, and we have no means to resort to the passages of the speech—which, according to your lordships, we should be at liberty to resort to, namely, to qualify what has been said, unless by one or other of two modes, that is by getting from the Crown those copies which they have under their control, which lie upon the table, printed out of the public purse; and, as a matter of public time, we have a right to call for them.

The *Attorney-General*.—If my learned friend, Mr. Walker, states, as a matter of fact, that they have not prints of these speeches in their briefs, I concede the matter at once.

Mr. *Macdonogh*.—I most positively assert that what Mr. Walker states is correct.

The *Attorney-General*.—One assertion is quite enough for me.

Mr. Justice FITZGERALD—I suggested on Friday what occurred to me to be the proper course to pursue, namely, when you relied on a speech against any one of the defendants, you put in the whole of that speech; you read any portion you liked, and leave it to the defendant's counsel to read any other portion. I see no difficulty likely to arise in pursuing that course—the whole of the speech is read in evidence. I think that Mr. Macdonogh's suggestion is not an unreasonable one; there is no doubt you have printed copies.

The *Attorney-General*.—Yes, my lord.

Mr. Justice FITZGERALD—What I suggest is—as you prove by the reporter each speech you rely on, let a printed copy be handed over; if it is practicable, I think it is a reasonable suggestion.

The *Solicitor-General*.—In respect of the prints being handed over, if the Crown read portions that they consider necessary, then the traversers'

counsel read portions to qualify what was read for the Crown, the Crown will then have to read the entire for the purpose of showing are the qualifications sustainable, the practical result is that time will be lost.

Mr. Justice FITZGERALD.—I don't think you will find that to be the practical result. We lay down no rule, we can only suggest to the parties; but it does appear to me that Mr. Macdonogh's suggestion is not unreasonable at all—no, it is a fair one—if it be practicable to carry it out. We only suggest to you, and I understand Mr. Attorney agrees to it.

Mr. Justice BARRY.—In a civil case where there is a very voluminous correspondence they interchange copies, and it is understood that all the correspondence is in evidence; each party may refer to whatever part he thinks proper.

Mr. *M'Laughlin.*—It is not for the purpose of adding anything to what has fallen from my learned friends that I ask leave to address your lordships, but for a purpose you will see in a moment—I beg leave to address two or three words on the subject: My learned friend, the Attorney-General has referred to the circumstance of a condensed report of the chairman's speech at the Carrick-on-Shannon demonstration, to which I cross-examined. We have the newspaper reports from one point of view, and the Government shorthand-writers' from another: That is a very small matter compared to what I think it right to advert to shortly, with Mr. Macdonough's and my colleagues' consent: First as I understand the ruling by the senior member of the Court, in order to illustrate, prove, modify or explain the character of the meeting—not only the speeches of the traversers at the meeting, but also the speeches of the chairman and other incidents so far as they were relevant to the question and no other. There is this difficulty in the way, that any reprint we have is a reprint *quoad* newspaper report and not the evidence of the shorthand-writer so that we would possibly be driven to ask the shorthand-writer in the box to read the whole of the chairman's speech not knowing the extent or character of the speech. I hold in my hand a print that has been already used with reference to the examination of one of the shorthand-writers, as to the speech of Mr. Parnell at Ennis, on the 19th September, 1880, it begins at page 18. The prior thirteen pages of that report represent the speeches of the chairman and others and I mean to put it as a suggestion—our only object is economy of public time simply, and I will tell your lordships why—there is no doubt, as the Solicitor-General pointed out, there is a course open to us, that is to say, to call upon the witness in the box to read the proceedings from end to end. We are most anxious to avoid that, unless driven to it by necessity, as it would be a most intolerable waste of time. In order to economise the public time I would ask that they be good enough to give us the whole meeting and not a part.

The *Attorney-General.*—We shall give nothing of the kind. We will give nothing but the speeches put in evidence.

Mr. Justice FITZGERALD.—I have now before me a document which I have not seen before, and to which my learned brother Barry has called my attention. It is the bill of particulars which, as I understand, specifies every meeting, the proceedings at which the Crown rely on. There is no difficulty then for the defendants to look into those meetings—not to be reading speeches at random—to look into what has been relied on in the information of the public prosecutor, and to come in here prepared to say if there is anything relevant, and that that relevant matter be read to the Court.

Sergeant *Heron.*—Did you report the Land League meeting at Dun-

gannon, in the county Tyrone, on Monday, the 1st November, 1880?—I did.

Do you remember hearing Mr. Joseph Biggar, the member for Cavan, one of the traversers, speaking at that meeting?—I do.

Will you go to page 6, line 20, and read that portion of his speech——

The *Attorney-General.*—It would facilitate the matter if the witness were allowed to read from the print.

Mr. *Macdonogh.*—I think that reasonable, if your lordships approve of it.

Sergeant *Heron.*—Mr. Harry, you have your original notes there?—Yes.

Did you compare the written transcript and the printed with the original notes?—I did.

They are correct?—Yes.

You reported correctly what occurred at the meeting?—Yes.

Not from any view except reporting correctly?—No.

Go to page six, line twenty, commencing, "Now, the first thing for the tenant farmers of all parts of Ireland, and of the County Tyrone in particular." (*Witness* reads)—"Now, the first thing for the tenant farmers of all parts of Ireland, and of the county Tyrone in particular, to do is this: organize yourselves and become members of the Land League, and thus be able to act together and to assist each separate one, because the old policy of the landlords was this—they made an example, perhaps not a very great number, but they made an example of a man who made an objection to what they proposed, and the result was that all were frightened, and all submitted to any amount of injustice that was possible for them to bear. Now, you first of all organise, and when you have organised, then, when you live upon a property where the landlord is extorting an unreasonable rent—that is, anything beyond the Government valuation—let all the tenants join together, and say: 'You are asking an unreasonable rent, and we will not pay anything more than the Government valuation." That will make it very plain sailing; but, if he continues to do so, what is the Land Leaguer to do next? The Land Leaguer should use every exertion to beat the landlord in every way he can be beaten. First of all, if he brings an eviction, or brings a claim for rent, defend the action in a court of law. If you are beaten in the court of law, and he actually seizes the crop of the man for an unreasonable amount of rent claimed, take care that none of you yourselves, and take care as far as possible that no one else, bids for any of the produce of that seizure. If he can get no rent beyond the Government valuation, unless he is a very wealthy man, he will naturally get scarce of money, and will naturally be disposed to compromise with the occupying tenant. Then, suppose he goes a step further and ejects the tenant—suppose he carries the thing to the bitter end—well, subscribe among yourselves, and support the tenant who is evicted as far as you possibly can, and then do not any of you take the land from which a tenant has been evicted, and, as far as your influence extends, take care that no one else takes the land from which your friends have been evicted. I need not point out to you the means which should be used—you all know them—there are fifty ways—do not speak to him—do not speak to his family—hoot him, and go the other side of the road"—[*Witness*—Then there was a little tumult amongst the crowd, and so on, in which I may have lost some words. I do not know that I did]—"do not buy from him—do not sell to him—put him entirely in what is called "coventry"; and the result will be that it will become so unpopular

in the country for any man to take land from which another has been evicted, that, the fact is, the thing will become impossible, and it will cease to be practised. Then, suppose the landlord attempts to cultivate this land himself—well, I need not tell you, there are many ways in which you can make it uncomfortable for him in regard to cultivation by himself. Let him plough the land himself—let him sow it himself—then, after it is ploughed and sowed, let him himself gather in the crops, and take care that any one who works for him gets no countenance from any of you. In that way you will make it impossible for this man to make anything out of the land."

That will do for that portion. Now go to page eleven, line twenty, commencing "Now the other resolution to which you have agreed ?"—(*Witness* reads)—"Now, the other resolution to which you have agreed is a censure upon the Government for proposing the prosecution of certain of the Irish Land League agitators. Now, I do not at the present know who are the prosecuted. I may or may not be prosecuted myself, and I need not pretend to you that I do not wish not to be prosecuted; for although I know that no Irish jury would convict me, at the same time it would give me personal annoyance and inconvenience, which I do not wish to have. Of course it is clear that the Government may pack a jury of perjurers in Dublin who are not Irishmen at all, though they may have been born in Ireland, who would support the brutalities of the English governing classes, and of the landlord class in Ireland, against the wishes and the will of the Irish people, but I do know this that no *bona fide* real true Irishman will ever give a conviction against any of the men who advocate the cause of the tenant farmer in Ireland."

Now go to page 12, line 35, commencing—"Now I have gone over to some extent the different points ?—(*Witness* reads.)—"Now I have gone over to some extent the different points of the resolutions to which we have agreed, and I will beg to thank you very much for the kindness you have done me in listening with so much patience to what I have said, and I do impress upon you the desirability and the importance of becoming members of the Land League and becoming organized in such a way and connected together in all controversies and all questions with the landlord power and with the land question in every form. Continue as you are, disorganized, scattered like a flock of sheep, and the power of the organized system of landlordism must beat you and you must continue to be slaves as you have unfortunately been heretofore. Go together, act together, and you will win, but if you do not do so you will be simply disorganized, and you will be beaten. [Then there was an interruption by cheering.] This is not what is called a party meeting, and in a district like this, where the population is pretty equally divided, if you continue to keep up party fights, disaster will be the result, because the enemies of the tenant farmer, if you are divided, will consider and will trade upon the prejudices of each party with the result that they will keep down both, with the result which has happened heretofore. But if you join together, of both religions—and I would counsel you to hold both to your religions—but upon a subject such as the land the fact is the tenant farmers of Ireland should all act together, let the tenant farmer go to his own side and the landlords the other. Do you think it is feasible and reasonable if the Irish people were open to their own interests—is it reasonable, that the few could govern the many ? These landlords govern you first of all through their agents and bailiffs—they make you pay rent far more than you have any right to pay. In the next place

they govern you as Magistrates; in the next place they govern you at Boards of Guardians; in the next place they govern you as Grand Jurors; in point of fact the great mass for want of organization are trampled upon by a few nincompoops and worthless men who are not individually more intelligent than the same number of yourselves, but simply because you are disorganized and divided by selfish party cries, the result is that these men trample upon your rights in all the relations of life. Now, I again impress upon you that you combine without reference to religion upon this question of the land, and become the masters of the land which you till.

"A vote of thanks concluded the proceedings."

That is all I have to ask you about the Dungannon meeting.

Cross-examined by Mr. *S. Walker*.

Read two passages from that speech?—Yes.

Go to page 5, line 8. (*Witness* reads)—"Now, at the risk of having it said that I have told you something which you probably know better than I do, I will tell you very shortly what the principle of the Land League is. That principle is very shortly this, that the Government shall buy up at twenty years' purchase on the Government valuation the rents of the different holdings in Ireland from the landlords, paying the landlords in a three per cent. paying stock, and reselling each holding to the tenants, charging them four and a half per cent., that is, three per cent. for the use of the money which they pay themselves and one and a half per cent. for a sinking fund, and the result of that would be that for every £20 you pay in the shape of rent upon the Government valuation basis you will only pay £18 per annum, and by paying that £18 per annum you will ultimately in thirty-five years have paid both principal and interest and become the actual proprietors of the land. Now that is the simple principle which is advocated by the Land League, and it is easily understood."

Now please go to page 6, line 4. (*Witness* reads)—"Now, with regard to this land movement, the state of affairs in the county Tyrone is this, that at present there is no branch of the Land League, as far as I believe, in the county Tyrone. Now you are simply a disorganized crowd of people. When I say that—when I see that all the tenant farmers in the county are thoroughly disorganized, the landlords, a comparatively small number, are exceedingly well organized. They have large means at their disposal. What do they do? They insist upon what rent they please—they ask what rent they like, and the tenant farmers have very little option except to pay or leave. Now, what they do is this—they ask what they think right; they do not ask the opinion of the farmer whether or not he thinks the asking price of the landlord is a fair and reasonable one or not; they simply ask what they in their own wisdom think best, and the tenant farmers have the option of doing one of two things—that is, they have the power of working hard and slaving to pay this extravagant and unreasonable rent, or they have the power to emigrate, or, perhaps, go to destruction."

That will do.

Sergeant *Heron*.—Did you report the Land League meeting at Belleek, in the county of Fermanagh, on Tuesday the 9th November, 1880?—I did.

Will you go to the speech of Mr. Parnell?—I have it.

Page 10?—Shall I read it?

(*Witness* reads):—"Men of Ulster, we open to-day the land campaign in the north of Ireland, and this meeting has been convened to

declare that the land movement is not a sectarian movement, and that upon this platform of 'The Land for the People,' all creeds and classes of Irishmen may unite. I, as a Protestant, a member of the Synod of the Protestant Church of Ireland, one of the parochial nominators of my parish, feel proud that the Protestant north has opened her arms to this land movement, and I am convinced that the day is not far distant when, Orange and Green being united together, we shall see the dream of every Irish patriot accomplished. The Ulster custom has been tried and found wanting. You have seen that in times of prosperity it allows you some interest in your holdings, but that when the bad year comes and the bad times come round the whole of the interest of the tenant is whittled away and destroyed before the landlord comes to suffer. A custom then which throws the burden of the bad seasons upon the tenant class must be a useless one, and we ask you to-day to adopt the principles of the National Land League of Ireland, which declare that landlordism as an institution has failed and must be cut away, root and branch. We do not wish to fix rents. We want to reduce them first, and finally abolish them. How are you to do this? By combination amongst yourselves. Let me tell you that your position is one of great power, and that if the tenant-farmers combine and organize themselves, landlordism must go down before you. We have seen combinations of workmen in England in trades unions, but your power is much greater than that of workmen combining against their employers. The employers can lock the workmen out of their factories and starve them to death; but you have possession of your holdings, which is nine points of the law. Keep the nine points of the law, and in a very short time the Legislature will give you the tenth. Combine, therefore; organize amongst yourselves; protect yourselves against the landlord conspiracy, which has condemned this country to poverty and degredation. Laugh to scorn the junction of the Government with this landlord conspiracy. Stand by your rights; be determined; and depend upon it that the day is not far distant when free land in Ireland will enable our country to be first prosperous and then free."

Did you also report the speech of Mr. John Dillon, the member for Tipperary, one of the traversers?—I did.

Now read the whole speech, and it will shorten the matter?

(*Witness* reads.) "Mr. John Dillon, M.P., said—Men of Fermanagh, it will not be necessary for me to address you at any great length, for I hope to have plenty of other opportunities of speaking to the men of Ulster before this year is out. We came here into Ulster to-day to ask the tenant-farmers of Ulster whether they are fools enough to listen to the men who would ask them to denounce the National Land League, which is fighting their battles. We want to know whether the Protestants of Ulster have taken leave of their senses, or whether they are what we always were told they were, as hard-headed men as there are in Ireland. We want to know whether the Protestant farmers of Ulster like to pay rackrents. We want to know whether the Protestant farmers of Ulster like to be evicted. We want to know whether, if they do not like to pay rackrent and if they do not like to be evicted, they will join the only organization in Ireland which can protect them from rackrent and from eviction. For 50 long years the Protestants of Ulster have been endeavouring to protect themselves by returning so-called tenant-right members to the British House of Commons; and I ask you here to-day, farmers of Ulster, have you succeeded in that battle? Is it not true to-day that the landlord in Ulster could rackrent you just as easily as he could 50 years ago? Is it not true that

the Ulster custom has failed in Ulster to prevent rackrenting and to prevent eviction? Is it true that the Protestant farmer of Ulster would prefer to have a landlord over him rather than to take his stand beside the farmer of Connaught and Munster? Do not you listen to the men who tell you that this movement is a sectarian movement; that it is a movement of Catholic against Protestant. I tell you that in the provinces of Munster and Connaught we have protected the Protestant farmer against the Catholic landlord; and to-day, I am ashamed to say, being a Catholic myself, that we have as bad landlords Catholics in the south as any Protestant that ever was born. The Land League has kept a roof over many a Protestant in the south of Ireland. The Land League has reduced the rent of many a Protestant farmer in the south. The Land League will reduce the rent of many a Protestant farmer in Ulster before this year is out. Do not let you, the Protestant farmers of Ulster, listen to the men who, calling themselves ministers of the Christian faith, enter upon the unchristian task of sowing religious animosity among the inhabitants of this country and try to revive the horrors of religious bigotry, which, by the help of God, have been banished for ever from Ireland (interruption). Let them follow out that precept of the Gospel which these men ought to preach, and which teaches us that Catholic and Protestant, Pagan and Infidel, are our neighbours, and that we are bound to extend the same charity to all. Shame upon the man who would tell the Protestant to draw a line of difference and deny that charity to his Catholic neighbour which his own Gospel, which he professes to believe, commands him to extend to him; and when any man comes to you and preaches to you this doctrine tell him to go and read the Gospel which he pretends to follow. Let the farmers of Ulster follow out the doctrines of the League. Let them bind themselves together to follow out what is the principle of the National Land League,—that of mutual charity. We ask every man to stand by his neighbour in the hour of distress. We ask you to stand together and not to see your neighbour oppressed while you can help it. Any man who can tell me that that is a doctrine false or opposed to the Christian faith knows very little about the Christian faith. Let every man then in his heart, before he goes home, resolve to join the National Land League and adopt its principles. But you must work hard at the work, and if you do, two years will not be past before every farmer who is listening to me here to-day will be the owner of his own farm."

Sergeant *Heron*.—I don't ask you anything more about Beileek.

Mr. *Macdonogh*.—I ask no questions.

Sergeant *Heron*.—Did you report a Land League meeting at Tullamore in the King's County, on Sunday the 14th November?—I did.

Was Mr. Thomas Sexton, the member for Sligo, and one of the traversers, present at that meeting?—He was.

Did you report his speech?—I did.

Now will you go to page 12, line 23—"Our first object is to bring down rack-rent," &c.

(*Witness* reads):—"Our first object is to bring down rack-rent to a fair moderate level, and we have advised you in order to bring down rack-rents to combine in the various branches of the Land League, and on the various properties to offer to the landlords this year what rent you find that you are able to pay, and if they will not take that rent to hold it and allow the landlord to go to the law for the recovery of what he calls his rights. Then if he goes to law and turns out a tenant, you in your branches of the Land League, and we in the

National Land League of Ireland, will combine together with the moneys at our command, and will sustain that tenant and his family until this crisis is over. But let me ask of what use is it to sustain the tenant if the empty farm is to be taken by anybody else? There is the secret of the cruel, the unchristian, the shameful despotism and tyranny that have ruined this country and planted bullocks for English stomachs where happy families formerly dwelt. When the farm became empty the landlord always found someone, some avaricious or some crawling creature ready to go into it and promise any rent. So long as that system was kept up, so long it was in the power of the landlords to grind the Irish people into the dust. My friend, Father Donoghue, quoted Scripture. Well, I would remind you of one verse in the book of Isaiah, of him whose hallowed lips were touched with fire, and in that verse he denounces what I may call the modern land grabber, for he says—'Woe unto him who goes on adding house to house and field to field.' No, my friends, you must not only resolve to take no farm yourselves from which a tenent has been evicted, but you must further resolve to buy nothing which has been raised upon that farm; and, last of all, you must determine this, and you must carry it out with an even mind; that if any man be found amongst you to violate the law which you have made, to act in definance of your judgment, and to do that which you believe to be the great operating cause of the ruin of the agricultural interest; if you find any man going and taking that farm, you will not do him any violence, you will not injure him in his person or in his property, you will not even speak a word of threat against him. No. You will let him live in peace, but you will let him live without any help or any friendship of yours. ('We'll Boycott him.') You will not invite him to your firesides; you will not exchange with him a word of friendship; you will not allow him within the circle of your friendship or even of your acquaintance. Now, if you carry out these rules all over Ireland the land question will be settled within one year, and it is not within the power of Parliament, or Government, or class to delay that settlement from you. You have only to act together and you must win."

Sergeant *Heron*.—I won't ask you to read any further.

Cross-examined by Mr. *Nolan*.

I believe that Mr. Molloy, member of Parliament, was present at that meeting?—He was.

Now I would ask you to read from page 1 of Mr. Sexton, and commence at paragraph 3, "Now, my friends," and to read down to the commencement of the last paragraph on pages 9 and 10?—Yes. (*Witness* reads.)—"Now, my friends, you know the old saying, 'It is well to have a friend at court,' and I was rejoiced to see in the paper a day or two ago that we, the Irish people, have now a good friend in that great spiritual Court of Rome, the mother of the Christian world, for the great Archbishop of Cashel, who is now in Rome, has assured the Holy Father, our spiritual father and head, that the movement in which we are engaged is a constitutional movement, and that we are lawfully fighting out a great social question. What is that great social question? It is simply this—whether a small and limited class of men shall dwell in idle luxury in Ireland upon the sweat and the labour of the people, or whether the people shall live in comfort and independence upon the fruit of their own labour? That is the question we have to decide; that is the result upon which our hearts are set. And let me tell those who endeavour to couple our movement with accusations of

outrage and of crime, that the very figures which have been issued within the last week by the Government themselves prove the damnable falsehood of these charges. I have just been looking over the Government return of crimes in Ireland, and I find that the crimes of murder, and of attempt at murder, and of shooting and wounding, were 100 less last year than they were in 1878, and 200 less than they were in 1877. Now in 1877 and 1878 there was no agitation in Ireland. In those two years there was not such distress in Ireland as there was in 1879, and yet in the year when we had the greater distress and the greater agitation, the level of crime was a great deal less. And why? Because the Land League came forward to counsel and advise the people.

"Now, my friends, I wish to impress upon you that your movement is striding on to victory, and that the bright and piercing light of truth is bursting its way through the fogs and mists of opposition. Now an attempt has been made to set the labourers of Ireland against the farmers. But the labourers know who cleared away the five-acre farms. The labourers know who swept themselves and their families off their little holdings into the back lanes of the towns (*the landlords*). The labourers know that Mr. Parnell and every man of his party are willing to struggle might and main to give them comfortable homes and suitable plots of ground. The labourers know that we are struggling to break up the great estates, those monuments of family ambition, to break up the country into small farms, and to abolish those law costs which at present prevent the poor man from getting a bit of land, and in course of time to bring about in Ireland, as in other countries, a system whereby the labourer who saves a few pounds may be able to purchase an acre or half an acre, and be enabled to become not the holder but the landlord of that bit of ground."

Mr. *Nolan*.—Read the next paragraph?—(*Witness* reads):—"An attempt has been also made to keep the shopkeepers out of this movement; but the shopkeepers know very well that whatever they sell, whether food or clothes, or requisites for the house or for the farm, it is not upon a small class of men, no matter how wealthy they may be, that the shopkeepers must depend, but that they must depend upon the bulk of the people, upon those who in every country are the only true and steady supporters of commerce and trade. And still another attempt has been made to throw the brand of religious discord into our camp, and to set Protestant against Catholic. Our movement has nothing to do with religion, and I tell you this that it touches the Protestant just as much as the Catholic, for if the Protestant farmer has emptied his purse in paying the rent to his landlord he feels just as uncomfortable as if he was a man who acknowledged the supremacy of the Pope. You have seen the manifesto of that stupid and ferocious body the Grand Orange Lodge of Ireland; they have said that our object is to uproot the Protestant religion. I reply that some of the worst landlords in Ireland are Catholics, and that Protestants are to be found amongst the tenants who suffer from the landlord system. I tell you that I am against every bad landlord, whether he be Catholic or Protestant, and that I welcome to my side every tenant whether he be Protestant or Hebrew, or Parsee, or Fire-worshipper? I care not what he may be.

Mr. *Nolan*—Go to page 12, about ten lines from the commencement of the page, at line 7, and read from, "You, my friends," about ten lines down.—(*Witness* reads)—"You, my friends, will agree with me when I say that the Land League has within the past twelve months been the best friend of order that Ireland ever had. They collected the

benevolence of the world and poured it into the lap of the starving Irish peasant; they clothed the naked, and they fed the hungry; they soothed the despairing, and they brought hope to the heart of the desperate. And I tell you that I who have sat at the table of the Land League week after week for the past twelve months have heard tales of woe and misery poured out from all parts of the country, and have known how the money that we were able to send the poor people has saved them from despair, from that violence into which despair may tempt even the most patient people. I tell you that it was the Land League in the course of the past year which saved Ireland from the horrors of disorder and violence."

Mr. *Nolan*.—That is all I have to ask.

Sergeant *Heron*.—Did you report a Land League meeting at Templederry, County Tipperary, on Sunday, the 12th December?—I did.

Did Mr. John Dillon attend that meeting?—Yes, and spoke there.

Did you report his speech?—I did in full.

Now go to page 3, line 28:—"Now you all know," &c. (*Witness reads*):—"Now you all know now so thoroughly well the means and methods by which the Land League protects people, that it is hardly necessary for me to repeat them. You know that our advice has always been to you, to agree amongst yourselves on what is a fair and reasonable offer in the way of rent. You know that we have told you that you have got nothing to look to from the Government until you have fought your own battle and won it. You know that we have told you, that having agreed upon a just rent, you are to go in bodies to the landlord and offer that, and if that will not be taken, to pay nothing. You know that we have explained to you that there is no need, and furthermore, that all kind of violence and outrage does more harm than good; that there is need for it; that the principle of our policy is the principle of self-defence and combination for self-defence; that if attempts are made on a large scale to seize for rents or to evict tenants, by coming in to their own branch of the League, they will get advice as to the best course to pursue, from Dublin; and in case we consider a defence ought to be made, that the Dublin Branch will bear their expenses in the way of law costs. You have seen yourselves how powerful this policy is when the people will only work together. You have seen it work wonders. You have seen it do things which no man in Ireland believed last year could have been done. You have seen, or I have seen the haughtiest landlords in Ireland bow down before its power. I have seen agents who had nothing but insolence and intolerance for their tenants reduced to servility. I have seen men who one year ago to my own knowledge would turn a man out of the office if he was a pound short, with the grossest insolence, and drive him to the money lenders to borrow it—I have seen men who had not a civil word, who would order a man out of his office if he had not his hat off. I have seen a man one year ago in the time of the distress who was asked by his poor tenants, men who had been paying a rack-rent for many years, would he give them time till after the Christmas fair to pay their rents; this was within my own knowledge, and they did not ask for a reduction, and the answer they got was, 'I will give you time until I can write to my attorney.' Now, I am happy to say that the very individual I speak of, I have had the pleasure of knocking half off his rents within the last month. He would be very glad to-day to give time to take half of what he would not take last year, but I do not believe that this year he will get anything at all. Now, dealing with the question of rent, I wish to be clearly understood. When I went

into Ulster several respectable Presbyterian farmers came to me and said; one man, a wealthy respectabie man in Belfast, came to me and said, 'Sir, we are very anxious to join the Land League, but there is one of your principles which we cannot accept.' 'Which is that, sir?' said I. 'Perhaps we may be able to come to an agreement.' 'Well, I have seen you state, or that it has been stated, that the Land League is pledged to Griffith's valuation. In Ulster that is far too high a rent." I said, 'My good friend, you never made a greater mistake in your life. The Land League is pledged to a fair rent. We do not say what the fair rent is. We leave that to each locality to decide for themselves." 'Well,' said he, 'in my locality about half Griffith's valuation would be fair—this is perfectly true, because when Griffith came upon the land in my district we had spent, and our fathers before us had brought the land up from a state of barrenness to a state of fertility. We had built houses, we had reclaimed the land, we had spent hundreds and thousands upon the land, and Griffith valued all our improvements; therefore, it is not just,' this man said, 'that we should pay the value Griffith put upon the land.' I said, 'Most certainly. All you have got to do is, agree amongst yourselves what is fair, and the League will support you in whatever agreement you come to.' But I have been handed just now a list of some of the rents and valuations in this district, and I must say that, if this be a correct list, and I am assured it is, I wonder how the people of Northern Tipperary bore this tyranny so long with patience. I quote a few examples from this list. Michael Ryan, valuation £4 15*s.*, rent £15 15*s.*; next, valuation £2 10*s.*, rent £8 5*s.*; next, valuation £2 15*s.*, rent £15 15*s.*; next, and this about the best case I have ever come across in Ireland, valuation £1 15*s.*, rent £14 5*s.* I can hardly believe this, but it must be true; it is certified to me by the Secretary of this branch. The next case, and I will conclude with this—valuation £3 12*s.*, rent £28. Now in cases like that, the fact is, that it would be only common justice for the people to come to the conclusion that they had more than purchased out the fee-simple of the land. I ask any man with brains in his head, and with a heart of justice in his breast, have not the people purchased twice over the fee-simple of the land? The justice of the case would there be—and let the landlords beware that we do not come down to justice, for we may very soon—that the tenant should never pay any more, and still the landlord would be his debtor in cases where the rent is at rack-rents. But for the present come down to Griffith's valuation, and that would be a great relief to these men. If you take four-fifths off the rent it would mean a considerable relief, so that perhaps it would be enough for one step to come down to Griffith's valuation in cases like these. But as I said before, let the representatives upon each townland under the League come together. Let them as honest men discuss their circumstances, and the condition of the country. Let them talk the matter over. Let them decide what they will do; what they can fairly do; what it would be just to do. Let them then resolve and pledge themselves to stand together and the Land League will support them in the course they determine upon. We leave it to the men who know the soil best, to the men who have lived on it, who have laboured on it, and who have brought up their families out of it; they know what the soil is honestly worth, and they know what they ought to pay; let them decide, and we will support them in their decision. But what the Land League has proved is this, that the day has gone by in Ireland when the landlord can settle the rent by his own free will and whim.

The day is gone by when the landlord class have all the power in settling the rent. The day has come in when the people of Ireland are to settle the rents. The day is at hand when rent will cease in Ireland for ever."

That was the conclusion of his speech.

Cross-examined by Mr. *Macdonogh.*

You have not read the whole of the speech, of course?—Only as much as I was asked for.

Mr. *Macdonogh.*—And I will not trouble him, my lords, with the rest, for I shall make use of the whole thing in my address. (To witness) —I wish to ask you to be good enough to tell me who was the chairman at that meeting?—I will, if you permit me to refer to my notes.

Yes?—*Witness*—(referring to his note-book)—It was the Rev. Mr. Gleeson—(I don't know his Christian name)—a Catholic priest.

Were there several of the Roman Catholic clergymen present. Be good enough to look at your notes and tell?—I have no memorandum, sir, of that. I can say whether they spoke or not by looking at the notes.

Cast your eyes rapidly down, not to delay, and give that information? —I recollect, if you allow me to say—I recollect there were many of the clergy present—I should say at least a dozen.

And that clergyman presided?—He presided.

And in opening the proceedings he made a short speech?—I think so.

Kindly read a few words of that speech, referring to the condition of landlord and agent?—I will have to read from the original notes. It may possibly be tedious.

Then I will not have it if it be tedious. It is enough for me that he was there and that he made a speech?—He was there.

Very likely we shall have him as a witness hereafter.

Mr. *Heron.*—Thank you, sir.

ABRAHAM BINCOMBE CURTIS sworn, and examined by Mr. *Murphy*, Q.C.

Did you attend as a reporter at Templemore on the 10th October?—I did.

And reported the proceedings of the meeting?—I did.

Have you got your notes and transcript of the speech made there by Mr. Dillon?—Yes.

Come to it please. Just read the opening sentences?—(*Witness* reads) —"Gentlemen, I am very glad to see that the men of northern Tipperary have resolved to take a hand in the battle which the other people of the other counties of Ireland are waging to recover for the people of Ireland their birthright, which has been taken from them by fraud and by force. The banner which we call upon you to enrol yourselves under to-day is a banner of the Irish land for the Irish people, and no more landlords in Ireland (cheers)."

Mr. *Murphy.*—Come to about page 7 in your transcript—"the first thing then that we propose to do is to reduce all excessive rents"—. Just commence at page 5 of your transcript and read it to the end?—(*Witness* reads from manuscript) :—"What are the means then which we propose to the people of Ireland to achieve those rights which they have sought so long through talking and through argument? We tell the Irish people that the hour for argument is gone by, that they have been arguing this question with the Government for upwards of eighty years, and they have got nothing, except eviction, and ruin, and rack-

rents. We tell them that if they wish to have this question settled, if they wish to have their own homes their own property, and to save themselves from rack-rents and evictions, that they must do it, not in London, but here in Tipperary, by their own exertions and by combination, and the means which we lay out for the Irish people are these, organization, the most careful and strict organization of each district, and then when the district is organized, let the farmers go in a body to the agent or landlord, or steward, and tell him what they consider is a fair value for their farms, tell him that they will give him that, and not one penny more, and that if he won't take that, then to do his worst (A Voice—'Then we will give them Rory'). The Irish landlords have now for a hundred years had it in their power to fix the rents and the value of Irish land, which, allow me to point out, they never worked or tilled. Now, the Irish National Land League proposes that for the coming year the Irish farmer shall fix the rent of Irish land, and we mean to treat them better than they have treated the farmer, because we do not mean to give them nothing, at least not yet, but we mean to give them a fair value, and we will see how that works for a year. What we then propose to do is for the present winter to reduce the rents wherever the rents are excessive. By this united action if the landlord in reply to your protest that you will not pay more than a fair rent, if he serves notices of eviction, then report the case to the Land League in Dublin, and we will have it out with him, and if he evicts any man, looking at this meeting here to-day, I believe that in this and the surrounding estates, that if he evicts any man, so far from adding to the rental of his estates, he will have an idle farm on his hands, he will have on his hands what I have heard described as a "model" farm, that is a farm which no living thing will go on, to show what the power of the public opinion of the people is. When you have succeeded in keeping several farms vacant for some time, you will find the landlords will be more willing to listen to reason, and that the Irish Land League will undertake to support you in this struggle, both by legal advice and by assisting those who are distressed and ruined by the action of the landlords. The first thing then that we propose to do is to reduce all excessive rents, and I think that on the whole for this part of the country, that Griffith's valuation would be a pretty fair standard to rest on, the best standard we have for the present. I know districts in the West where, when the country is organized sufficiently, I shall advise the people not to pay any more rent at all, because they have been paying Griffith's valuation three times over, three times Griffith's valuation for twenty years. Those men have bought their holdings, they have paid the full price, and they must have them for the future without rent; but in this district where the rents are not so outrageous, I think what we had best do at present, is to come down to Griffith's valuation; but what I would point out is this, that you must not go to sleep over this movement, and suppose that by coming to a meeting like this to-day that you have won the battle. By coming here to-day you have only commenced the battle. You must organize every townland. In each townland, one or two men ought to go round with a list of the farmers of that townland, and ask each man will he not join the Land League, or will he desert his people. Give every man a chance to stand by his people, and organize in that way the farmers of every townland, and then when a man sets himself against the rules of the League, and takes a farm from which another has been evicted, the way to deal with him is this (A Voice.—'I should shoot him'). No, I would not injure any man, but the way to deal with him is this—do not have any com-

munication with him at all; do not allow your children to mix with his children; do not speak to him, and have no dealings with him; neither buy nor sell with him; show in every way that you can that you regard him as what he is, that is a traitor to his people and his country, and a friend of the oppressors of his people. Believe me, if you keep up that system for a short time, it will be far more effectual than if you shot him, because no man can be punished for such a deed, and you will find that he will give way before long to the force of public opinion, and will hand back the farm, as many men have already done, back to its rightful owner. I believe that if you act upon these lines and organize yourselves thoroughly, and never mind Parliament at all, that you will bring about a settlement of this question very soon, and a settlement very favourable to the people. Do you reduce the rents in Tipperary; do you prevent eviction in Tipperary, and let the Parliament in London settle the land question whenever they have time (cheers)."

Mr. *Murphy*.—Now turn to the speech of Mr. Thomas Brennan, which you reported after that. You will see it on page 5—"The argument advanced by some people"? (*Witness* reads).—"The argument advanced by some people, that if you make the farmers of Ireland contented they will cease to be national is too fallacious, I think, to need refutation. Surely that nationality which stood seven hundred years of persecution is not going to disappear when the people get enough to eat. What an insult to that nationality to say that it can only exist with hunger and rags.

"Now, this movement must not be confined to six hundred thousand tenant-farmers; it must take in a far wider constituency; it must take in every man in the country who lives by industry. The cause which we advocate to-day is the cause of work against idleness; it is the cause of the majority; it is the cause of the toiling millions against the idle few, for no matter how you may labour, you, directly or indirectly, feel the weight of the monopoly which, in this country, degrades labour, and makes it a crime to obey God's command to fallen man. (Cheers.) Slavery has so degraded social life in Ireland that the Irish squireen is considered a gentleman where the hard-working artisan, or honest farmer, who have been robbed to support him, is considered a slave. Have you ever thought of how it is that you who work from daylight to dark, you who have been working in the workshop or in the fields since your hands were able to handle a hammer or a spade, have nothing to look forward to when you are unable to work further than the workhouse, while the men who do nothing, the men who have never done an honest day's work in their lives, live in luxury, and go down to their graves in luxury and idleness (shouts). Where was the landlord when you were tilling the soil? (A Voice—'In bed.') Mayhap he was lounging in the park of some foreign city; when your hands were on the plough his were on the dice-box, and he now comes forward and tells you that all your work has been for him, that your labour is not your own at all, and that he claims the profit of it. Now, your own Archbishop—(cheers)—the Reverend Dr. Croke, quotes a high authority when he says that the husbandman that labours should first partake of the fruits. Now, if you want to partake of any of the fruits, you must strike against rack rents; you must refuse to give—I won't say what Mr. Dillon said—to give the Government valuation, but you must refuse to give more to the landlord than the surplus profit that remains after you have paid every other claim for the working of your holding, and after you have paid yourselves—(cheers)—and as the evening is getting late, I will conclude with that one advice

to you, and it is, to pay the shopkeeper who has supported you for the last twelve months; pay the banker; pay the labourer; pay yourselves in the support of your families and in the education of them, and if there is anything remaining after that, then offer it to the landlords—(cheers and laughter)—and if he does not take it, then put it in your pockets till he comes respectfully to ask you for it (laughter). Now, the Irish people have declared war against landlordism, and in this great movement, no matter how many men fall, do not wait to rise them; no matter what may be the past services of men, the moment they cease to advance with the national opinion, the moment they begin to temporise or adopt a policy of compromise, then I would have the nation say to them, 'Thank you for your past services, but henceforth be no officer of mine.' No, there must be no compromise, now the Irish people have declared war against landlordism, and it must be war to the knife till the system is destroyed (loud cheers)."

Mr. *Macdonogh.*—Tell me the name of the chairman of the meeting?—The Rev. Thomas O'Conner.

Is he parish priest or curate?—I can only speak from information I have received—I was told he was the parish priest.

Mr. *M'Laughlin.*—You reported the whole of that speech?—Yes.

Look now at line eleven in the first page of Mr. Brennan's speech—"If evidence were wanted"?—*Witness* (reads)—"If evidence were wanting to convince any unprejudiced mind of the evils of the system of Irish landlordism I had that evidence presented to me coming here to-day. I saw on every side a land that was rich and fair, a land upon which nature has lavished its choicest gifts, but instead of human habitations I saw cattle sheds, and instead of men I saw beasts. Yes, it would seem that they try to make the cattle that graze in your fertile valleys, and not the men who surround this platform, the pride of Tipperary (cheers and 'Bravo')"

Mr. *M'Laughlin.*—Go on? *Witness* (continuing reading)—I ask you for a moment to consider the evils which landlordism has brought upon your country. Many of you remember the scenes of '47, and those of you who like myself have not witnessed the reality, have seen the picture painted by the master-hand of John Mitchell. You have seen how our country was destroyed, how its manhood and its beauty were murdered or sent into exile, you have seen the picture 'when on highways oft were seen the wolf-dog and vulture keen, tear at the limbs and gnaw the face of some starved child of the Irish race'—(cheers)—and if the scenes of '47 have not been renewed in '80 it is not owing to the benevolence of Irish landlords or to the intercession of the landlord's ally, the English Government (cheers). No, it is owing in part to the action of your representative here, who with Mr. Parnell—('three cheers for Mr. Parnell')—undertook the very disagreeable duty, placed themselves in the awfully humiliating position of national beggars. I am sure that in going from city to city in America the high mind of Mr. Dillon must)—A voice—'Cheers for him')—must have revolted against the occupation, and nothing but sincere devotion to the suffering ones at home would have enabled him to go on with his mission. Now, are you content that this system of begging shall for ever go on? (A voice—'No.') Are you content that your country must be for ever represented as a beggar among the nations? (A voice—'No.') If not, you must strike at the cause of it (A voice.—'We will.') There is enough of food raised every year in this country for to support its people. We want to keep that food in the country, and not have it spent by absentee landlords in London or Paris (cheers.)"

Mr. *M'Laughlin.*—That's the end of the paragraph. The Rev. Mr. O'Connor you say was in the chair?—Yes.

Were there many Catholic clergymen—that you judged apparently from their dress to be Catholic clergymen—present there?—There were several.

About what length was the chairman's opening speech—I am not going to trouble you with the details of it?—It was not a long one.

About half a column or so?—I am not sure.

Are you long a reporter?—Fifteen or sixteen years.

Well we all know that a reporter can give the substance of a speech just as readily as the words—were you ever on a newspaper yourself?—Never; but I have worked for a newspaper.

Tell me is this abstract of what the chairman said—without troubling you to turn to your notes—a fair report of what he said—"The chairman said, he did not come there to make a long speech, but as the head of the church at Templemore, he felt it to be his duty to be present with the representatives of the people. He hoped there would be no word addressed to them that would be the means of exciting to violence or of creating angry feeling in the heart of their greatest enemy. Let them have peace and order in this demonstration. He hoped they would not hear one word of uncharitableness to hurt the feelings of the most squeamish"?—I should not like to trust to my memory; I shall refer to my notes if you like.

I suppose there is no use; it's just like what a chairman would say, particularly a parish priest—just in a rough way you know?—I have the print of it here.

So I have. You have the print of all the chairman's speeches?—I would sooner give the speech than my opinion of his speech.

Have you an abstract?—I have the full speech here, but there are some blanks in it.

You could not catch the townlands, I suppose?—The people were too stormy.

Don't apply that to me. (*Witness* reads):—"I have to thank Father Power and the (here there was an interruption) and also the members of the Committee, and the gentlemen present, for the favour they have conferred upon me in calling me to the chair to-day. and seconding the appointment. I am not going to make a speech now—remember I am not going to make a speech to you here to-day. I am just merely come here to acknowledge myself as the head of the church at Templemore, and as the representative of the people and the priests (interruption) . I will just merely say to you now that there shall not be, I hope, a word addressed to you that would be—(interruption) . . . Peace and good order is what we want. Now, if we hear a word fall from the lips of any gentleman, I would just be reminded of a saying of the illustrious Archbishop of this diocese, the Most Reverend Dr. (I did not know his name, Dr. Leahy, I think) in the year 1848. He, I think, sympathized with the poor people who were suffering such dreadful calamities and such dire necessities when (interruption again) fly from the country, not only in hundreds but thousands. He had great sympathy with the people under these circumstances, but he detested from his heart the conduct of some persons who were anxious to be looked upon as patriots, stimulating the poor people to rebellion. He denounced that in the strongest terms, and he said, 'What folly it is to be stimulating poor people to fight who are not able to run away' (cheers)—(interruption). At those trying times there was some report sent from this country by some Minister of the State to the eternal city of Rome, asking an ex

planation of the Holy Father as to the conduct of some priests in this country who were, as he stated, making use of altar denunciations, and preaching politics from the altar or the pulpit, when they should have attended to the instruction of the people. This statement was made to the Holy See, and, not knowing the circumstances attending these statements, the Holy Father wrote back to the Archbishop, being the head of the Church in this province, and demanded an explanation of these altar denunciations; and when the reply to this communication was sent back to Rome, the Pope's secretary . . . . . said to the Archbishop, 'the Pope praised your Grace's letter, and said that you took a right view in politics.' (Cheers.) (Interruption.) This is the Prince of the Church. He then said, 'Let there be no rebellion, the people want peace and order; they want some persons of prudence and experienced politicians to guide them.' (Interruption). . . . . So I just say to you: let all be peace and order, and you will hear eloquent speeches (interruption), ... and I am sure you will hear them and treasure them up; but will not hear a word of uncharitableness or anything to hurt the feelings of the most squeamish from any speaker here, or any member of the crowd.'

Mr. *M'Laughlin.*—Very well. It's much the same.

The *Solicitor-General.*—You may as well add the last line or two to it.

Mr. *M'Laughlin.*—I thought that was the end of it.

The *Solicitor-General.*—There are two lines more?

Witness (reads):—"If we do hear this, I say, we look upon these parties as enemies of the people. (A voice—'But we must have our rights.') With these few remarks I beg to retire."

Mr. *Murphy.*—Have you got your notes of the meeting at Tullow, county Carlow, on the 17th October?—Yes.

Have you got your transcript?—Yes.

Take it in your hand?—Yes; I have it.

Turn to page 7 to the report of the speech of Mr. Biggar?—I have it.

Read from—"I will take the liberty"?

Witness (reads):—'I will take the liberty of saying, seeing that I am an office-bearer of the Land League—I will say a few words with regard to the Land League, and I may say as a preliminary, that the Laud League has been most foully maligned by the English Tory and Whig papers, and by the Tory landlords of this country (cheers). In point of fact the Land League has never advocated the shooting of Irish landlords, and in point of fact to show that the Land League has not publicly or privately advocated the shooting of landlords, since the Land League came into operation, so far as I know, not more than one agrarian murder has taken place. The only case to which I could refer as a case of agrarian murder, is the case of Mr. Boyd, in the county Wexford. Whether or not in that case the murder arose from the fact that Mr. Boyd had a father (interruption), I cannot say; but at the same time the fact remains, that that is the only agrarian murder which can be pointed out since the Land League came into operation (cheers)."

Mr. *Murphy.*—Now go to page 10 in your manuscript—"Now, one of the duties of the League."—(*Witness* reads)—"Now, one of the duties of the League is that pressure shall, as far as possible, be brought to bear upon landlords not to ask more than the Government valuation in the shape of rent. That can only be carried out in one way, namely, by thorough combination on the part of all the tenant farmers throughout the whole country (cheers), and by thorough loyalty of each one towards all the rest. If you unanimously agree not on any pretence to

pay more than the Government valuation, the landlord will be very glad to take it; but if one gives way and another gives way, and the thing does not become universal, the old story will have to be told again, that the landlord will cut down the individual tenants in detail, and the result will be that the latter end will be as bad as the beginning. But if you do as I suggested, if you become unanimous, make Land League clubs all over the country, and league together, the result will be as I have pointed out. The Lord Mayor, or perhaps Father Delany, perhaps both, very properly pointed out what your attitude should be to anyone who took the land from which anyone had been evicted. Now, if anyone does—as has been pointed out—take land from which a tenant has been evicted for non-payment of an exorbitant rent, or in any case in which he has not got full compensation from the landlord for his disturbance and for all his improvements, I do think, Mr. Chairman, that the attitude of all the neighbours of that man is to take care that he shall not derive any profit from that land. Do not assist him as a labourer, do not (interruption) deal with him, do not buy from him, do not sell to him, and the result will be that that man will in a very limited time—be very well pleased to give the land to the party who had been evicted from it. Then, suppose another case in which the landlord takes the land in his own hand.

"Well now, I gave a suggestion in county Kerry on this day week, and I do not know whether it is the best or not, but I would say if the landlord puts this crop, this land into crop, such as oats, turnips or potatoes, if his cows stray into these oats, do not take the trouble to have the cattle turned out (laughter). Well, if he has any crop to cut, why, advise all the labourers in the neighbourhood to take care not to take any employment from him, try to get employment at some other place and allow the crop to lie waste, so that he will make nothing out of it. Then, suppose for instance, his cattle stray in the road, well, allow them to continue to stray; do not take the trouble to put them back. All these are little things not infringing the law. At the same time they are matters which would effectually come within the cognizance of the members of the Land League, and which they would——(interruption). The case is equally strong in case the landlord has insisted upon such a rent that the tenant could not afford to give it, and had to give up the land to the landlord. In that case the landlord is an extortioner; he wishes to act unfairly towards his unfortunate tenant; he wishes to live on the life-blood of the people of this country, and he does not deserve to have any produce from that land. In that case just take the whole proceedings as you would have done if the tenant had been evicted (interruption). In county Mayo some nuns asked for some of their land more than the tenant could afford to give; the nuns let it to the parish priest, and the neighbours in the county Mayo pulled down the fences, and would not allow the parish priest to occupy it. Of course that is an extreme case——(interruption). And I ask all the tenant farmers, all the people of Carlow, and I ask all the people of Ireland, to join the Land League; to enter into a general combination to insist upon the rent not exceeding the Government valuation in any case, and to take care that no land from which tenants have been driven by extortionate claims on the part of the landlord shall be profitable to that landlord, or anyone whom he hands the land to."

Mr. *Murphy.*—That is the only speech at this meeting, my lord, that I will trouble him with.

Mr. *Walker.*—Look at page 3 of the print. Do you see line 20—"As I understand the principle of the Land League?"—Yes.

Read that paragraph?—(*Witness* reads):—"As I understand the principle of the Land League is this. They say no settlement of the Land Question can be a final settlement except the occupier shall be the proprietor of the land. That is the principle laid down by the Land League, but they do not say that any less reform proposed by the Government, or which would be within the reach of the tenant-farmers of Ireland, should not be accepted by the tenant-farmers of Ireland. Now, from that point of view I think Mr. Gray, the Lord Mayor of Dublin, and the Land League could pretty much go hand-in-hand."

Mr. Gray made a speech on that occasion?—Yes.

There were, I believe, two bishops on the platform—you don't know that?—I do not.

There were other speeches made—by Mr. M'Farlane, the member for the county, and by Mr. Dawson, the member for the borough?—I don't know whether they are the members or not.

But they made speeches?—They made speeches.

Mr. *Murphy*.—You reported the speeches at the meeting at Loughglinn on the 31st of October?—Yes.

Kindly read the first portion of the speech made by Mr. Matthew Harris, in which he makes an explanation in reference to something he said before. It is only right you should read it? (The *Witness* reading)—"Mr. Chairman, ladies, and gentlemen. The reference which the speaker that has just addressed you has made to agrarian crime reminds me that I have not been very well treated by the public press, in reference to statements which I made at a meeting in Galway (a voice 'Groans for them,' groans). I made use at that great meeting, I made use of an expression which perhaps I should not have made use of, but I was misunderstood as regards the meaning which I myself attached to that expression, and the late Attorney-General, Mr. Gibson, and very many of the English papers have taken advantage of that expression, and have used it in order to bring opprobrium upon the cause of the tenant farmers (a voice, 'down with them'). After using that expression the chairman of our meeting remarked upon it, and I was happy to seize upon the occasion in order to say,—and I request that the gentlemen of the press will put down my words here now,—in order to state that not only was I opposed to the shedding of human blood, but that I was actually opposed in feeling to the shedding of the blood of the lower animals. No man could make a clearer or a fairer recantation than that was. Gentlemen, the expression which I made use of was this. I said, after giving an account of the endeavours that I had made in 1843 and 1844 to put down agrarian crime, I had before my mind the honest endeavours that I myself and that the great Liberal party and the priesthood at that time had made to put down agrarian crime in Ireland, and I had also before my mind the exterminators who came in after we had succeeded, and who used the state of peace and harmony which we were striving to induce in order to exterminate millions of the people (cheers). When I spoke I had this matter before my mind, and I confess here before you to-day that the expressions I made use of were liable to misinterpretation, for I say, gentlemen, that if landlords—that I never would again do what I had done in the past, and I was unhappy in stating that if landlords were shot down like partridges in September, I should not interfere to save them (cheers). Well, now, gentlemen, that was a strong statement and it was a wrong statement, for it would be the duty of me and of every other good citizen, in case the people were to turn round in an inhuman or a merciless way to exterminate or shoot down landlords, and I say my expressions were open to that interpretation, I say it would be an inhuman and un-

manly thing for me or anybody else to stand up and allow such acts to be committed. But, gentlemen, my interpretation of it was this. I said I had in my mind the idea of the exterminator, who is inhuman to apparently thousands of people on the one hand, and I had also in my mind the poor victim here striving to defend himself against that exterminator, and I said myself that I would not tie down the hands of the one and allow the other to do his work of extermination and crime (loud cheers); and perhaps I should not, I know I should not, have used the expressions I did use, because an excited people, perhaps a people labouring under grievous oppression, may misinterpret what I say, and I take this opportunity to tell you now, my friends, that honestly in my mind, I believe that the crime of murder, if attached to our cause, would bring the wrath of God upon it. I think that is as honest a recantation, if recantation were required, as it is possible for a man to make with reference to agrarian crimes."

The *Attorney-General*.—It is only right that that explanation should be given.

Mr. *Murphy*.—Now kindly turn to page 16 of the transcript, Mr. Curtis, page 5 of the print?

(*Witness* reads):—"**Every other animal associates with its species**; every other animal is content to live in harmony at least with its own species. The law of prey only prevails between one class of animals and the others, but the Irish landlord and the landlord class they refuse to live in harmony with their fellow man; they refuse to allow their fellow man to exist even in the humblest and most abject state. No, it is not enough that they take from them everything that gives comfort to a poor man's home; they must come with their vile agents of oppression, they must come with their bailiffs and their crowbar brigade (hootings), and they must level the homes and they must drive them from this fair country to go as waifs and strays and toilers throughout the world, from home and kindred and everything that makes life dear to them. Well, my friends, I hope we are fast approaching the end of this horrid system; I hope we have come to an end of all the plausible talk that used to be about the master and the landlord (cheers and laughter)"—and I didn't catch a portion of the next sentence.

Now, look at page 13 of your transcript?—(*Witness* reads)?—"You know the programme of the Land League, you know what you have to do now, and you will soon learn that the best leaders the people can have are the people themselves (cheers), and you will soon learn your own strength, and what is better, you will teach the Government that neither their prosecutions, nor their bayonets ('Nor their buckshot'), nor their buckshot, nor any other law, nor any other device that ever tyranny devised to enslave and rob mankind will avail against the Irish people when united by organization (cheers). Put land grabbers from you like some evil. If we are not strong on that point all is over; if you are not firm there, let no amount of plausibility, let no professions of either nationality, or this, or that, or the other, induce ye to countenance or to allow any man who is a land grabber to touch upon your organization (cries of 'Never'). You must taboo such a man, ye must isolate such a man, ye must leave him that he and his friends will come to their knees for to beg, to beg to be apologised for the crimes they have committed against the people and against the country. Gentlemen, ladies and gentlemen, I beg now to second the resolution which has already been proposed, and to thank you most sincerely for the very kind hearing you have given me (cheers)."

The witness was not cross-examined in reference to this speech.

Mr. *Murphy*.—Have you your transcript of your report of the Killaloe meeting, on the 7th of November?—Yes.

At which Mr. Dillon spoke?—Yes.

Turn to page 10 in your transcript?—(*Witness* reads)—"What have we done? One short year ago we told the people in Ireland that they had gone on the wrong path, that they would never get justice from England's Parliament, that they never would get justice"—

Mr. Justice BARRY.—Who was speaking, Mr. Murphy?

Mr. *Murphy*.—Mr. John Dillon, my lord. I beg your lordship's pardon.

Witness (continues reading)—"They never would get justice from members of Parliament sent over to represent Irish constituencies. We told them that if they wanted justice, and if they wanted freedom, that they should fight the battle in Ireland. We told them that they should learn their own strength; that they should band themselves together; that they should meet the landlords of Ireland on the fields of Ireland foot to foot and hand to hand; that they should teach the Irish landlords that the day was gone by when the landlord was to fix the rent; and that they should teach them that the day was gone by when an Irish landlord could drive an Irish family out of its home; and that they should do that by following out a determined, a resolute, and a combined policy of self defence, and by gathering into one mighty organization the whole manhood of Ireland, and pledging us never to turn back from the battle until the whole institution of landlordism was swept away. (Cheers.) When I look back over the history of Ireland since the Union was accomplished, and Ireland lost her independence, I have no hesitation in saying that it would be better for the Irish people, and that Ireland would be to-day a prosperous nation, if no man had even been sent to represent an Irish constituency in an English Parliament, but if the people had refused to send men or to trust any man into that House, and had resolved eighty years ago, as they are resolving in their meetings and in their thousands to-day, that they would make a law unto themselves in Ireland, and would not submit to British law. (Cheers). But there is an old saying,—there is an old saying which I would ask you, men of Clare and Tipperary to take to heart to-day,—and that is, 'It is never too late to mend.' For eighty years we have been going on the wrong path, and looking to London. Look to Ireland now; look to yourselves. For eighty years the Irish landlords have kept the men of Ireland on their knees at the threshold of an alien Parliament, begging for mercy and for rights that were denied them. For eighty years the Irish landlords have looked on in scorn while the tenantry of Ireland were spurned by a hostile and an alien House. Let the manhood of Ireland rise to-day, and resolve that we will bring the Irish landlords on their knees before that door. (Cheers, a voice, 'Never to rise again.') Let us resolve that the tenantry of Ireland will never again ask for justice at the hands of English Ministers, or of the English House of Commons, but that by their action in Ireland they will drive the Irish landlords over to London to beg for protection and for justice. (Cheers.) Let me tell you that you can do all this. It only requires you to play the part of men, to follow the doctrines of the Land League, and you will teach the Irish landlord that not he, but the Land League, will settle the rents (cheers); and you will teach the Irish landlord that he will not evict one man out of his home until the Land League has given him leave. (Cheers.) The English Parliament has been always the friend of the

Irish landlords. Let them go to their old friends now and ask——(Interruption.) I say here to-day, in the name of the tenantry of Ireland, that it has come now to that pass that we do not care about legislation. (Cheers.) We do not want——(Considerable interruption then). All we want is what was said fifty years ago by a Tipperary priest, Father Davoran, when he wrote to Daniel O'Connell, and said, in the Tithe War, 'The Irish farmers do not want protection; they do not want legislation in an English Parliament; all they want is a fair field and no favour, and to leave them face to face with the tyrant.' All that the tenantry of Ireland want now is a fair field and no favour, and to leave them face to face with the landlords, and we will give a very good account of the landlords and of the rackrenters in Ireland. Let me say then, that the man who comes to you now, and tells you to trust to any British Minister, or tells you to trust to the present Government because they have promised well, is an enemy; and do not take his advice. Follow the Land League, which has shown its power by protecting the farmer of Ireland; follow the Land League, which has already forced, to my own knowledge, seven men in Ireland to resign farms which they had taken over their neighbours' heads. In the town of Midleton, in the county of Cork, there was a man evicted and his neighbour took the farm. He had gone behind his back, and bribed the agent; and I sent down there last week, at the request of the Land League to the town of Midleton, that I would hold a meeting there on Tuesday next, and request him to give up the farm; and on Friday last the Land League got a letter saying he begged to state he would resign the farm (cheers). I did not need to go down there at all, and so now we are going to give it back, by and by, when the landlord gets tired of keeping it empty. We will give it back ——(Interruption.) Then I say do not mind Land Commissions, do not mind the English Parliament, do not mind the Government; follow your own course, and protect yourselves; and when the Government have got through with Hares and Rabbits Bills, and when, as I said before, the Irish landlords ask them, then they will settle this question. But before I leave this subject, I will see that we, as the members of the Land League, are determined that when it does come to be settled we will take no compromise."

Turn to page 7 of the transcript—but perhaps it would be better for you to go on where you are?

(*Witness* continues reading)—"We offered compromises before, and what reply did we get? I know landlords now who are coming forward and asking us to be reasonable, and to take fixity of tenure at fair rents with free sale. Last year they scorned all these things, and what made the sudden change? Why, I see in meetings of Orangemen in the north, the very Orange landlords of Ulster are saying they are anxious to have the question settled. But why are they anxious? Because they are afraid the Land League will go into Ulster; and into Ulster it will go, for next Tuesday we are to have a meeting in the county of Fermanagh, and the Protestant farmers of Fermanagh will take their stand beside their Catholic brethren. The message, then, I have to give you is this: Here you are, ten or twelve thousand Clare men and Tipperary men. If you follow out our policy, if you play the part of men, you can protect yourselves against oppression, you can lower all rack-rents down to a fair rental. There are some landlords, I have been told, in and around the town of Killaloe who have always played the part of honest men and fair men——(interruption). I say lower all the rentals down to the rentals of Mr. Anthony Parker. (Loud cheers). Tell the landlord

that objects that in the hour of his power he acted as a dishonest man, he robbed the poor of their means and their substance, while this other gentleman set them an honourable and fair example, and that now in the hour of our power, when we might treat him as he treated us, that we will not do so, that we will give him justice in the place of the injustice which he meted out to us, but that justice we will have in spite of his teeth (cheers). Well, then, the task that is before you is this: Pledge, every man who is here, and every man in the two counties, not to pay one farthing over Griffith's valuation (cheers); and if any man —let every parish in the two counties have its Land League, let every man be enrolled in that Land League, and do not wait for them to come in, but send young men round to every farmer,—having a list, —every farmer,—to ask him will he come in or will he not? And then you will know who are the friends of the people, and who are their enemies—(interruption), and then let each parish resolve for itself what they will pay. Let them hold a meeting of the executive, let them consider the case and let them resolve what they will pay. You must alter the resolution according to circumstances. If you have got to deal with a very bad rackrenter who has raised his rent more than double the valuation, you ought not to pay him a single farthing this year. If he is a more moderate man, come down to the valuation; but you must suit the resolution to the circumstances of each locality. When you have come to that resolution, then the man who goes back on the organization,—who goes behind backs and pays, while he stands pledged to his neighbours to stand by them,—you must treat him as what he is; that is to say, a traitor to his people and to his country. You must make an outlaw of him, and let no honest man speak to him, or have anything to say to him. (Cheers.) Do not let any man terrify you by the threat which I have heard used within the last fortnight to poor people in my country, do not let any man or agent terrify you by the threat of putting you to expense. The Land League in Dublin is pledged, so far as its resources go, to bear all legal expenses gone to in this struggle; and, if they threaten to evict, you must be prepared and expect that this will be a pretty bitter struggle. You must not be easily frightened, you must stand together, and if it comes to eviction, why, all you have to do is to keep the farm empty, and we will stand by you as best we can until you get the farm back again. If you pull together, if the organization is strong, there will be no evictions, because the landlord will be afraid to evict. Now, in conclusion, I would say, do not let the work rest now. From this day out let every man work hard at the organization. Before the end of the month I should hope that every man who has a man's heart in his breast in the two counties will be a member of the Land League, and pledged to adopt its policy. (Cheers.)"

Mr. *Murphy*.—That is the only speech that we wish to refer to at that meeting.

Mr. *Macdonogh*.—I may refer to other portions, but I will not ask him to read them.

Mr. *Murphy* (to *Witness*).—Look at your transcript of the report of the Thurles meeting——

Mr. *Macdonogh*.—I have a question or two to ask you.

Mr. *Murphy*.—Oh, I beg your pardon.

Mr. *Macdonogh* (to *Witness*.)—Who was the chairman?—The Rev. Dr. M'Redmond.

Is he the parish priest?—I don't know.

Examination resumed.

Mr. Justice FITZGERALD.—What is the next meeting?

Witness.—Thurles, my lord.

Mr. *Murphy.*—The date is the 14th November, my lord.

Mr. Justice FITZGERALD.—Whose speech are you going to refer to?

Mr. *Murphy.*—Mr. John Dillon's, my lord. (To *Witness.*)—Begin the speech and read on.—(*Witness* reads.)—"Reverend chairman and men of Tipperary, it would be difficult for me to tell you how proud I am to see here to-day, the men of central Tipperary come together in the largest meeting which I have seen assembled in this cause in Ireland (cheers); and I am proud to see that you have come together not to support any compromise on the great question of the land of Ireland for the people of Ireland, but you have come to pledge yourselves to a resolution that landlordism, having destroyed the prosperity of the country and banished its people from its shores, must be abolished, and ownership by the people substituted in its stead. (Cheers.) Here are 20,000 or 30,000 of the farmers of Tipperary assembled to declare that the hour for compromise on this question has gone by, and that they will not be satisfied, nor will they accept any settlement which does not give to the tiller of the Irish soil, to the occupier, the ownership, with no lord or master over him. (Cheers.)"

Mr. *Murphy.*—Now turn to page 30 of your transcript—"In the face of this," &c.?—(*Witness* reads)—"In the face of this it will be necessary that the people should be strictly disciplined and organised, and chiefly for this purpose, if the Government go on and enter upon a policy of coercion, if they put us into prison without even waiting for the issue of the prosecutions, if they suspend the Habeas Corpus Act, and imprison all the leaders of the Land League movement, then will come the time of trial for the people. (Cheers.) Then will the fate of the Irish farmer be decided, when he is put upon his trial, whether he can act like a man, and not slink back from persecution, or whether he is going to bow beneath the storm and yield to his oppressors. If we are struck at and imprisoned, whom ought we to hold responsible for that imprisonment? We ought to hold responsible the landlords of Ireland who have urged upon the Government this insane course of coercion. And what will be our plain duty? Our plain duty will be, and our policy, to inflict a punishment on the landlords of Ireland which will make them relent of their course. We shall issue orders, the executive of the Land League will issue orders to the people, probably, if this course is determined upon, to strike some counter-blow at the landlords, and I trust and hope that the people will be prepared to obey. (Cheers.) We will advise you to do nothing unwise; we will advise you to do nothing unpractical; but we will advise you to do something that will very quickly bring the landlords to reason, and make them more anxious to let us out than to keep us in. (Cheers.) But now, in order to be ready for this, you must not—when you go home from this meeting to-day—you must make up your minds that you have simply begun the battle here to-day, and you must not rest content till every townland round about Thurles is organized and disciplined under its own captain and its own leader, so organized that when the orders go out from Dublin from the executive of the League to strike at the pockets of the landlords, that those orders will be obeyed universally and immediately throughout the country; so organized that it will be in our power at notice of a week or three or four days to assemble at any place, where we think fit, a body of 5,000

or 10,000 men, marching in order under their leaders in that disciplined body, which has more effect as a demonstration of force than the shouting of 30,000 men. Now let me say in conclusion that we must all remember and take to heart that this is not a struggle that is to be won without stern exertion on the part of each and every individual man. As soon as we have got the country properly organised, we intend to give up these meetings, and that will be a very pleasant day for me when I have done with speaking. As soon as the country is strictly disciplined and ordered, we will require no more public meetings and no more speeches, because everyone will know what he has got to do, and whom he has got to obey. (Cheers.) But the people must work hard at this organisation, they must put pressure on certain individuals who are selfish enough, although they are living out of the people, to turn their backs on the people's cause in the hour of trial. There is hardly a man in this crowd who has not got friends and relatives in America and Australia, and let him not let a week go by without writing to his friends in America and Australia, begging them to come to the rescue of the people here (cheers), to form Land Leagues all through America and Australia, and press on the work, and send us home the sinews of war to carry on the battle. (Cheers). I have said on previous occasions that this cause is just as much the interest of the trader in the town as it is of the farmer in the country. The trader in the the town lives upon you, and if you are beaten in this struggle he will lose as well as you ; and if the trader in the town is so selfish that he will not put his hand in his pocket and give the use of his name to back up the farmer in his struggle, I think you are perfectly justified in using your organization to make him feel that he is the enemy of the people (cheers),—to make him feel that if he is so selfish that he will not stand by the people in this struggle for life and death, that you have the means in your power to make him suffer through his pocket also ; and when I think that, when the country is thoroughly well organized, it will be a very serious question for the branches whether they ought not to come to a resolution not to allow any member of the League to deal with any trader who will not join the League. These are all the practical work still before you, and which will be of very much more importance than even so great a meeting as this. You must in every branch have a meeting of your executive of seven at a certain hour on a certain day, and let it be known to every farmer in that district or parish that if he has any grievance he can get redress for that grievance by going to that executive. Keep up the meetings, discuss the state of the country, communicate with Dublin whenever anything new turns up, and by keeping the whole country in organization we will be in a position to say that the Irish people are no longer to be called miserable, or poor or oppressed, except through their own fault ; that we, without asking the assistance,—that we, the Irish Land League, without asking the assistance of Gladstone or of the English Parliament, have abolished the system of tenure-at-will, and that we have made the Irish farmers owners of their own farms by their own exertions, and without the intervention even of English laws. (Loud cheers.)"

Mr. *Murphy*.—Read the resolution as proposed by Mr. James Hayes at that meeting?—(*Witness* reads)—"That in order more effectually to put an end to rackrenting, we regard as the cardinal point of this agitation that no man should take a farm from which another has been unjustly evicted, and whosoever may be guilty of such treason shall be avoided by all right-minded men."

Turn to the speech of Mr. Boyton, one of the traversers at that meeting?—(*Witness* reads)—"Men of Tipperary, the day is wearing, and you have already heard from the lips of your tried and trusted representative the doctrines of the Irish National Land League. (Cheers.) No individual can add one word more to that put forward, the propositions, the way Mr. Dillon has told you that with your assistance we purpose to settle the land question here in Ireland. We have engaged in teaching the people of Ireland that the settlement of the land question lies in their own hands. A clergyman here, a short time since, told you to go on with political agitation. I tell you that political agitation is a bad thing, and I tell you that if we had any other way of meeting the people face to face, or of organizing them without political agitation, we would do it (cheers). I tell you distinctly that all your political agitation will end as other agitations have done, in smoke, unless you band yourselves together like men, and organize. ('We will.') Therefore your work to-day is not agitation, it is not speeches, or bands, or music, or banners; it is the solid, stern work of combining to bring on its knees the mainstay of the English rule in Ireland (cheers). Mr. Dillon has told you that which we knew all along, never to look for anything from any British Government, no matter how Liberal, that you are not prepared to tear out of their teeth (cheers). Mr. Gladstone has instructed his satelites in Ireland to institute proceedings against the men who have led the people in this movement—to prosecute them for conspiracy. Well, for my own part, in the cause of justice and humanity, that I believe this cause to be, I am proud of the name of conspirator (cheers). The last conspiracy that I was engaged in politically numbered 100,000 Irishmen with rifles in their hands (loud cheers), and that conspiracy succeeded in doing in the United States of America what we propose to do with your help, with God's help and yours, here in Ireland, to blot out the stain of slavery (cheers).

Now turn to the words—"the pledge of the Irish National Land League?"—(*Witness* reads)—"The pledge of the Irish National Land League embodies the principle of the League. It is that you have a right to combine like men for self-preservation; that you have a right to watch, to mark down, and to excommunicate, socially and politically, the man who in the face of this great movement will be base enough to betray the cause of Ireland, for the man to-day who violates his Land League pledge is a double-dyed traitor to God and to his country. With the permission of your esteemed chairman, I will first give you the Land League pledge; and I now, in the name of the Land League of Tipperary, I call on every honest Irishmen present, in the sight of God, before his priests, and side by side with his brother countrymen, I call on every man to pledge himself solemnly never to look for, to take, to bid for, or to occupy the land from which his neighbour has been unjustly evicted (Cries of 'Never, never'); never, never to purchase crops or cattle seized for rent; never to bid for grass lands put up at auction by a landlord; and I call upon the labourers and the workers, who are no less identified in interest with this struggle than the farmers, never to work upon that land. (A voice, 'Never.') All who are prepared to take that pledge will do so by lifting his right hand. (Then there was a general show of hands.) That pledge binds you solemnly as Land Leaguers; it binds you to unite, and to give your name into the particular organization in your immediate neighbourhood. And another pledge you are now compelled to take as Land Leaguers, and that is,—and I call on every man here to stand together and to brand the sneak who will not keep it,—I call upon you all to lift your hands and pledge

yourself never to pay more than a just and equitable rent, and we consider that to-day to be Griffith's valuation. (Cheers.)"

Mr. *Murphy*.—That is all I have to ask you.

Cross-examined by Mr. *Luke Dillon*.

Who took the chair at that meeting?—The Rev. James Cantwell.

Did you recognize many priests on the platform?—There was no platform.

Would you say there were twenty priests present?—I did not pay particular attention to the number; I should think not.

Do you remember seeing Mr. Mulhallem-Marum, the member for Kilkenny, present?—Yes; he was there.

Mr. Macdonogh.—It is now half-past four o'clock, my lord, and I think we are entitled to an adjournment.

A Juror.—Oh, yes, adjourn, my lord.

Mr. Macdonogh.—The jury wish for an adjournment, my lord.

Mr. JUSTICE FITZGERALD.—Very well, Mr. Macdonogh, you have been very good all day, and I think you are entitled to every consideration at our hands, and we will now adjourn to eleven o'clock to-morrow morning.

Mr. JUSTICE BARRY.—Mr. Attorney, I think it would be a great convenience if, as each speech is put in evidence, a copy of the print were handed up to us.

The *Attorney-General*.—Very well; that shall be done, my lord, but we are not quite prepared for it to-day.

The court then adjourned to the following morning.

SIXTH DAY—TUESDAY, JANUARY 4, 1881.

The Court sat at eleven o'clock.

Mr. Justice FITZGERALD.—Now, Mr. Attorney, I think we have all the jury here and can proceed.

Mr. A. P. CURTIS further examined by Mr. *Murphy*, Q.C.

I want you now to take either your transcript or the print—both having been compared, as you told us yesterday, with your original notes, and found accurate—of the Ballaghaderin meeting, county Mayo, on Sunday the 21st November?—I have the print of that.

Mr. Justice FITZGERALD.—Do you pronounce that (Ballaghaderin) correctly, Mr. Murphy?

Mr. *Murphy*.—I am afraid not, my lord, I won't venture to do so. I have not my friend, Sergeant Heron, here; he is the only one of us who would venture upon the correct pronunciation.

Mr. Justice FITZGERALD.—Mr. Dillon could assist us also. What is the date of the meeting?

Mr. *Murphy*.—Sunday, the 21st of November, my lord. (To witness) —Now turn to the speech of Mr. John Dillon, and read from the beginning—"Fellow countrymen, it gives me the greatest pleasure"?—(*Witness* reads).—"Fellow countrymen, it gives me the greatest possible pleasure to see you assembled here to-day in this vast meeting, and to see from your bearing that your spirit is not broken by the sufferings and the privations through which you have passed ('Never') that you are determined now, having learned the lesson, which I hope you will never forget, that you are determined to have done with landlordism (cheers); that you are determined to take advantage of the policy of that great organization which has grown up so rapidly in Ireland, by ranging yourselves under its banner, and by carrying out its programme, to sweep away that institution of landlordism which brought you last year to your knees as beggars before all the civilised races of the earth (cheers, and 'Away with them')."

That will do. Now come down to line thirty-three—"We have now in the South seen landlord after landlord"?—(*Witness* reads):—"We have now in the South seen landlord after landlord come down and take the reduced rents which we advised the people to offer them, and thank them for them, and go home again very civilly. We have seen the hand of the evictor stopped, and we have seen cases where processes of eviction have been issued, we have seen the execution of those processes, those eviction decrees, delayed in fear of the Land League and of its followers. (Cheers.) And, furthermore, we have not alone stopped the hand of the evictor, but we have undone his work. In seven or eight cases we have taken away from the land grabber the prey which he took from the unfortunate victim of the evictor. (A voice, 'Down with the land grabber.') Seven farms have been handed back to the Land League at our request, and it is but a short three weeks ago since in the county of Cork a man who had taken a farm from which his neighbour had been evicted, at my request gave it back into the hands of the Land League of that district."

Stop there, and now come down to line thirty-six, page 2—"Let the tenantry on each estate"? &c.—(*Witness* reads):—"Let the tenantry on

each estate gather together, or let them elect representatives where the estate is very large, and let them come together and make an agreement of what they are able to afford to pay this year, or what is fair for them to pay, and that will differ according to the different circumstances of the case. When they have made that agreement, let them pledge themselves to each other that no man will go behind his neighbour and break away from the agreement. Let them, then, go in as a body and offer to the landlord or to the agent the rent on which they have agreed, and tell him that they require for that sum a full and clear receipt for the year's rent. (Cheers.) If he refuses to give that full and clear receipt, take home the money and pay nothing, and wait until he becomes more reasonable. Well, now, the man who goes back on his neighbours and who breaks away from the engagement and pays his rent, all you have got to do is to turn the cold shoulder to him, and have no communication with him. The question then arises as to what the landlord will do, or the agent, when this offer is made to him. He may serve you with notice of eviction, and if he does you must then put down your foot and have it out with him. You must hold the rent, and keep that for your own use. If he serve you with a notice of eviction come into the Land League here, submit your case; send up the notices to Dublin; we will take them up and defend them, and we will back you up through the struggle. (Cheers.) But do not you see—you see the advantage of holding on by the rent, because if any man should be evicted he would want some means to support him until he gets back to his farm, because you must remember, and you must be prepared to run some risk, and, if necessary even to submit to eviction. If you are evicted, as sure as there is a sun above you to-day you will be back again before the year is out. Mayo has taught a lesson to the rest of Ireland in the policy of the Land League, and the word 'Boycott' has gone all over the country. (Cheers.) Now, what we propose to do is, every evicted farm—we will Boycott the farm, and it will require an English army, such as that which has come down to Lough Mask, to hold any farm from which a Mayo man has been evicted. So long as they keep the army on the farm, well, we will support the tenant who has been evicted somewhere in the neighbourhood, and as soon as the army evacuates he can go back to his own home. (Cheers.) Now I wish to say a word as regards the amount of rent which ought to be paid. This is a question which we must leave to each branch to decide for itself, but if high rents have been charged for the past years, where the people have been rack-rented for some years past, they ought to pay nothing at all this year. Where the rents have been more moderate, I think that where they are able to afford it they ought to pay Griffith's valuation. We leave that to the Executive of each branch to decide according to the circumstances of the tenant. Well, now I would ask you to compare the condition of the Irish farmers to-day with what it was two years ago, and when you have made that comparison let every man who does not like to be a slave take his stand by the Land League, and determine to remain a member of it. What were you two years ago? Is it not true that the agent and bailiff exercised a terror over every farmer on an estate? Is it not true to-day that you are no more afraid of the agent or the bailiff than I am? (Cheers.) Is it not true to-day that the agent and the bailiff are a great deal more afraid of you than you are of them? (Cheers.) And I ask you what is it that has done all this for you? What is it that has made you free men to-day instead of slaves? What is it that has made you, as I said,—the agent

and the bailiff civil and very much obliged for whatever you will give them? It is the policy and the action of the National Land League. It has taught you how to emancipate yourselves without having recourse to the tender mercies of the English Parliament. You were told before that your only hope was in the Parliament of London, but we told you that your hope was in your own manhood. For thirty years you knelt at the door of England's Parliament, and you got not redress; for thirty years you crouched, or you were afraid, before the agent's office, or the bailiff of the estate. But we told you to band yourselves together, and to stand on your own rights and your own manhood; and where are you to-day? You are in a position not to beg for reduction of rents, not to ask for favours from landlords or agents; you are in a position to determine what your rights are, and when you have made up your minds, to stand on them, and to insist on them. Then, if ever again the landlord or the agent tramples upon the tenantry of Ireland, it will be their own fault and their own cowardice. You are free men to-day; before you leave this meeting, resolve that you never will be trampled on again, unless it be over your dead bodies. (Loud cheers.) But remember also that your freedom can be only kept by the strictest organization, by the courage, by the determination, if the hour should come, that you will stand to your rights as men. (Cheers.) We confidently expect that this struggle will go on to the end without bloodshed, without violence, and without danger; but shame on the Irishman who would be afraid, if the necessity arose, and if the risk came, to take his stand by his own threshold, and defend it at the cost of his life-blood. Let it go forth now that the Irish nation, having once ascertained their power and their rights, will never again submit to be trampled on, unless their life-blood has been spilt at first on their own threshold. Prepare then, I say, and organize for defence, if defence be necessary; but meanwhile let your policy be a policy of defence and not aggression. Attack no man, and commit no violence; but, when you are attacked, show the man who attacks you that he has got to deal with men and not with women. (Cheers.) Now, remember that the work is all before you, and let this be one of the largest, and the most determined, and the best organized branches of the Land League in Ireland." (Loud cheers.)

That is the end of that speech. Now read a few lines of Mr. Dillon's last speech, from "I will conclude this meeting"?—(*Witness* reads)—"I will conclude this meeting by proposing a vote of thanks to our reverend chairman, who has so kindly taken the chair to-day, and presided over this great meeting. I wish to say, what I omitted to say before, that I was requested by my friend, Mr. T. D. Sullivan, of the *Nation*, to apologise to you for not being present to-day, as he had promised to be. We have to-day twelve great meetings like this, and we were compelled to send only one speaker to each meeting; in fact, we were obliged to leave some very important meetings without any speakers at all, except local ones; and so Mr. Sullivan was requested by the Executive of the League to go to Parsonstown, in the King's County, where a great meeting is taking place."

Mr. *Murphy*.—That is all I ask you about the meeting.

Mr. *Macdonogh*.—I shan't trouble this gentleman, my lord. I can read the passage I want myself when I come to address the jury.

Cross-examined by Mr. *Curran.*

Do you know the appearance of a gentleman called Nally?—Yes.

Mr. Justice FITZGERALD.—Are you for Mr. Nally, Mr. Curran?

Mr. *Curran.*—Yes, my lord, and for Mr. Gordon. (To witness)—Was Mr. Nally at that meeting?—He was.

I believe he was not allowed to speak there?—He did speak.

Did he?—He did speak—before the meeting commenced.

I see; and it was generally either before a meeting commenced or after it had terminated that Mr. Nally spoke?—I don't know about generally—that was the first time I ever heard him speak.

But it was after or before the meeting commenced?—Before the chair was taken.

Mr. *Murphy.*—Now, go to the Sligo meeting of the 28th November—have you that?—Yes.

Take first Mr. Sexton's speech at line 10 of page 2, from "Landlords are very anxious now, &c.," and read on?—(*Witness* reads)—"Landlords are very anxious now to talk of compromise. Ten years ago Mr. Gladstone said that notices to quit were as plenty as snow-flakes in Ireland. Now the notices to quit are very few (laughter). They would not make the ghost of a snow storm; but I tell you what have become as numerous as snow-flakes: plans put forward by landlords for the settlement of the question. They are exceedingly anxious to settle the question; and if they had proposed ten years ago, or five, some of the plans that are put forward now, if they had proposed these before you learned your own irresistible strength, and before you were taught how to use it, you would have accepted those plans with rapture; but now our wrongs are made manifest to the world; the secret of our strength is out; our blood is up, and we are determined to have no compromise."

That will do there—now come to page 3, and commence at line 11, "It is impossible for the poor people living upon the soil?"—(*Witness* reads)—"It is impossible for the poor people living upon the soil with small incomes and without social influence for to counteract the tremendous influences that wealth and social position gives the landlords, and, therefore, I say that we will have no court to settle the tenants' interest in Ireland except the court that he holds by his own fireside."

Now go to page 4, line 9—"Now I go every inch as far as Mr. Davitt did"?—(*Witness* reads)—"Now, I go every inch as far as Mr. Davitt did. Landlords in England are satisfied to get three per cent. on the money they invest in land. Landlords in Ireland are not satisfied with six. (A Voice—'Nor twenty-six.') Well, I say that the tenant in Ireland is entitled not only to live decently and comfortably, not only to clothe his wife and family and to educate his children, not only to do all that, but he is entitled to do this also; he is entitled to lay by from year to year such a part of his income as will provide him in old age with a provision like the pension which the State affords its servants in old age. That is the stand I take upon the rent question; and I say, too, that you farmers, when you are going to offer the landlords all the rent you can afford to pay, ought to offer it upon the basis of keeping for yourselves this necessary part of what you get out of the soil." (Interruption.)

Go down now to line 46—"If there is any merchant in Sligo," and read a few lines?—(*Witness* reads)—"If there is any merchant in Sligo inclined to crook his backbone too much before aristocrats, or if there is any merchant in the town whose money bags reach so high that

when he is perched upon them he can no longer see the people, if there be any such man, it is your interest and your duty to convince him that his interest lies upon your side. Draw him away from his error by withdrawing your custom from him, and I tell you that before many months are past, he will become an ardent member of the Land League."

That will do now. Of that speech, I don't propose, Mr. Nolan, to read any more. I am going to read some of Mr. Sheridan's address. (To witness)—Turn to Mr. Sheridan's speech and read from line 13—The resolution says"?—(*Witness* reads)—"The resolution says, that in future we confine our dealings with those that are in political union with us, and that we will cease to extend our patronage to those who do not sympathise with us in this our struggle to ameliorate our condition, and who prefer to sit politically with those who would perpetuate that slavery to which we have been so long and so unjustly condemned."

Now turn to the next page—line 46, and read from "now about valuation"?—" (*Witness* reads)—Now, about valuation. The reason why I at all refer to this is—for really a short speech is the best one this evening—it appears there is a sort of conflicting idea as to the justice or injustice of paying Griffith's valuation. I have put in an appearance on a platform the other day down in Ulster; no, I believe it was the lower end of Leitrim; there a resolution was brought forward, which was first submitted to a large committee—a large committee—several respectable clergymen had a voice, and the result of the discussion between this respectable and intelligent committee was that Griffith's valuation in that part of the country was a rack-rent; and a vote was put that a resolution should be put in shape demanding of the landlords who were only asking Griffith's valuation one-third of an abatement beneath Griffith's valuation, and that even then it was a rack-rent. Let this cry of 'Valuation' not get too much scope amongst us. It is a dangerous toy to play with. By and by it may be taken up by the Legislature (interruption), and it must be fair and just, they will say, to the Irish tenant, therefore we seal it as the law of the land. That might be a relief to a few, but would be a curse to many. It would be unjust. And what I say to you here is, let Griffith's valuation be the maximum rent you will pay to any of these gentlemen. Do not pay them one penny more pending the settlement of this question; and, on the other hand, where Griffith's valuation is a rack-rent, by all means assert your right to a reduction thereof. Now, my friends, I will not detain you any longer, but let me impress upon you here solemnly and earnestly the absolute necessity there is of forgetting all feuds, all political distinctions, all religious animosities; and, in God's name and the name of Ireland, in future whenever you enter into the rent office that you go in with erect heads and expanded breast, and that with folded arms you look your landlord in the face; and Catholic and Protestant taking up that stand together (interruption) shall with united voice agitate the political atmosphere until, like a thunderbolt, it shall ring round the breadth and length of the land, and if this ominous foreboing be not ample to win the objects that you have in view, the day may be not far distant when an educated, upright, and intelligent Irish people may for once and for ever hurl the thunderbolt of manly defiance in the teeth of——(interruption), which no patriotic or united people ever failed to win." There were loud cheers at that.

Now, just go back for a moment, to a sentence or two before the last passage you read—at line 39 of page 8, and read from " It remains for

you"?—(*Witness* reads)—"It remains for you, by a persevering, steady, manly, constitutional attitude, to show for once and for all that you are determined, without waiting for the opinion of British Ministers, or without waiting for the Acts of Parliament, that you have got to make and to frame your own laws by your own fireside, and that once you, as a united people, have made up your minds to the course that you are to adopt, confiding in the Land League, you will so go on." (Interruption).

Cross-examined by Mr. *Nolan*.

Would you turn to page three again. I think you read down to the words, "that he holds by his own fireside"?—I believe I did.

Would you mind going on from that part?—From "Let them do in Ireland what they did in Prince Edward's Island," is that what you want?

Yes, read from that?—(*Witness* reads)—"Let them do in Ireland what they did in Prince Edward's Island. What happened there? After the American war of independence English officers had that island parcelled out between them, very much as Ireland was in the days of . . . . They came away home to England; their descendants inherited that island, and in the course of a hundred years we have passed since then, the English landlords oppressed the tenants so much that a movement like this was started in the island to get rid of the landlords altogether. Prince Edward's Island became a part of the Dominion of Canada, and the people of the island made it a condition of joining with Canada that the landlords should be expatriated from the country. The Parliament of the Dominion of Canada accepted that condition, and a Commission was appointed with a . . . . (interruption) landlords of Prince Edward's Island. They were told that they had received their estates on the condition that they would plant Protestants on the soil. They all broke their compacts, just as the Irish landlord did, for there is not a landlord in Ireland that in strict law has any title to his estates. They all broke their pledges, and the Parliament of Canada told them that unless they were willing to accept the terms offered their titles would be broken altogether, and they would be turned out without anything. Well, the terms offered by the Parliament of Canada to these landlords were something varying from twenty year's purchase or from four to seven and a half an acre."

Are you aware that Prince Edward's Island is part of the Queen's Dominion?—I have always believed so.

Are you aware that this compromise was carried out there with the sanction of the Prime Minister of the day?—I have no knowledge of that.

Mr. Justice FITZGERALD.—We will take judicial notice that it is part of the Queen's Dominions ——

Mr. *Nolan*.—I am aware of that, but I asked that question to found my next—that the compromise alluded to by the speaker was sanctioned by the ministry of the day.

The *Attorney-General*.—But the witness cannot say that, you know.

Mr. *Nolan*.—Very well; the Attorney-General objects.

Mr. *M'Laughlin*.—The bench might take judicial notice of that too. It could not have been done otherwise.

Mr. *Nolan*.—(to witness)—Go to line 43 of page 3, and read from "I am delighted to see here to-day"? (*Witness* reads):—"I am delighted here to see representatives of society, not in the fashionable sense of the word, but in the political sense; for I see here the farmer and the

labourer, the artisan and the merchant. The farmer is here because he wants no longer to live his life, to draw his breath at the mercy of any man; he wants to be the arbiter of his own destinies and the—(a word I could not catch)—of his own fortune. I was waited upon to-day by a deputation of national teachers, who asked me to support their claim for pensions when they grew old. I told them I was very glad to do so, because I thought a man who spent his life in the public service and did not get sufficient salary to lay by anything for old age was entitled to a pension. But what is to become of the farmer? The gauger, the policeman, and every man who serves the State in almost any capacity, is provided for in his old age; but the farmer has to live a life . . . (interruption) . . . working from dawn to dark, from year's end to year's end, oppressed with anxiety about the weather and about the agent, and then when he has worn himself out, for many and many a year he finds himself at the threshold of old age with only starvation and the workhouse before him."

I believe you read the next paragraph—go down to line 25 of page 3, and read from "We must live like human beings"?—(*Witness* reads)—"We must live like human beings in Ireland. We must have food that will sustain the body, and houses and trousers too that will keep out the rain (laughter). The labourer is here to-day because he knows that when the farmers of Ireland are made the owners of their farms there will be waste fields no longer. Every inch of ground will be turned to account; every inch of ground will be submitted to careful cultivation; the market for labour will develop; the labourers will be in demand; the rate of wages will rise, and when we break up the large estates and throw small farms into the market, there will not be a labourer in Ireland but may, by the savings of a few years, become the owner of a little plot of ground himself. The artisan is here to-day because he knows what killed our Irish trade. He knows that our trade was strangled and murdered by foreign, by English laws, and he knows that the only way to counteract those English laws is by unity and determined action, and that one result of our movement, when we plant around our towns a prosperous peasantry, masters of their own destiny, is that the cheerful hum of industry will be heard once more in the factory and the workshop."

You commenced before at the passage "and the merchant is here to-day"?—No, I read from a few lines further down—from "if there is a merchant in Sligo"——

Well, read the intervening sentences—"and the merchant is here to-day," &c.?—(*Witness* reads)—"And the merchant is here to-day, because the merchant knows that his trade, whether it be in food or in clothes, or in the—(a word I could not catch)—of houses, or of farms, depends, not upon a law or a landlord, but upon the mass of the farmers and labourers of the country; and if any merchant in Sligo is inclined to doubt the fact, there is a very easy and practical method of convincing him."

Then you read the next paragraph—"If there is a merchant in Sligo," and so on?—Yes, that is where I commenced from before.

Mr. *Murphy*.—Will you now take the report of the meeting at Fethard, county Tipperary, on Sunday, the 5th December.

The *Attorney-General*.—There should be no misconception as to what we are doing. Although we only read portions of these speeches, the whole of the speeches quoted from are thereby put in evidence.

Mr. Justice Barry.—That is what Mr. Macdonogh said yesterday—that he would refer to any portions, other than those now read, when he comes to address the jury. That is obviously the proper course.

[illegible]

[illegible] He [illegible] [illegible] [illegible]

but it is this: Mr. Dillon told you that if the landlords of Ireland do not come to terms, that they may one day find a volcano under them and their vile miscreant tools. That brought to my mind a line of poetry"——

Mr. *Murphy*.—That is all I have to ask you about that meeting.

Cross-examined by Mr. *Luke Dillon*.

Would you kindly tell the jury who took the chair at that meeting?—I shall have to refer to my note-book for that—(after reference to note book)—The Rev. Mr. Kinane.

Were there many priests on the platform—did you remark many priests there on the platform?—I don't think there were many. There were a few, according to my recollection.

Do you know if there were several chairmen of Town Commissioners on the platform?—I don't know any Town Commissioners in Ireland.

Did you hear of it?—I have no recollection of hearing that.

Did you hear resolutions proposed and seconded by priests at that meeting?—I know that some priests spoke at the meeting.

Mr. *Murphy*.—Will you take now the report of the speeches at the Mullagh meeting, county Cavan, on Sunday the 12th of December, and turn to page 5, line 15?—That is Mr. Biggar's speech.

Quite so. Read from, "But there are other things which the League can do"?—(*Witness* reads)—"But there are other things which the League can do, and which the League has done, and in which I hold the League is thoroughly justified in doing. The League, with regard to the lands of a county, Meath, near to where we are—the League is perfectly justified in my opinion in doing what they did in Kells the other day, that is, come together in a large number, and allow the persons who formerly bid for grass lands to know that they, the large crowd which collected together there, are of opinion that it is undesirable that the land of Meath should be kept for the purpose of grazing cattle instead of the purpose of raising men (cheers). That was thoroughly legitimate. Well, then, another thing that is thoroughly legitimate is this. It is thoroughly legitimate for the people of a district, be the district large or be it small, to enter into a combination; it is thoroughly legitimate for them to enter into a combination that they shall not give more rent to the landlord than they consider a reasonable and fair rent for their holdings. We have been—we League speakers have been in the habit heretofore of saying in general terms that Griffith's valuation, leaving out the value of the buildings, was a rent which might reasonably be given to the landlords for their interest in the holdings, but though it has been impressed on me very strongly by reverend gentlemen from time to time that I should speak with great moderation on those land questions, I now find that a good many reverend gentlemen in County Cavan are of opinion that the Government valuation is too much for the tenants to pay, because when that valuation was made the tenants' improvements were valued along with the interest of the landlord in the holding. But we simply suggested Griffith's valuation as a rough and ready mode of coming to an estimate of the value of the holdings, and as we did know that in some cases extortionate landlords were charging two or three times the Government valuation, we thought that such a standard as the Government valuation might be pretty near what might reasonably be given.

"Now when you, when any district of Ireland, when the occupiers of the land in any district of Ireland, has combined not to pay more than they consider a reasonable rent, then what they can do is this, they can

use their influence with all their neighbours to urge them not to give more than this reasonable and fair rent, and if any of these neighbours are injudicious and foolish enough to break, and dishonest enough in fact to break through the compact into which they have themselves entered, then it is thoroughly legitimate and proper that their neighbours should expostulate with them, advise them to be more careful for the time to come, and if this wicked person is impenitent, they may cease to buy and to sell with him; they may say, 'We think this man an enemy of society, and that society should hold no intercourse with him directly or indirectly of any sort,' and thus the pressure would become so great that this dishonest person would be brought to see a sense of his wickedness, and be brought to join with his fellows and act as he ought to do. Then in cases of a more frightfully wicked nature, cases in which a man has broken the Tenth Commandment by coveting his neighbour's land, and has taken land over another person's head, why then you can visit him, not threaten him of course, but at the same time you should reason with him, advise him to mend his ways and give up the holding, and reinstate the person who was unjustly evicted from that holding. These matters are very easy understood, and very easy practised, and at the same time you can do it without using such threats as would bring you within the scope of the Criminal Law, and thus you can do so with perfect safety to yourselves and with enormous benefit to the community. Well now, I have nearly done, and will only make a short reference to what I think might be justifiably done with regard to these grass lands of Meath. It is a local subject, and I think I might tell you things which you should not do, and which you might reasonably do. Of course your own intelligence will teach you very much better than anything I can say; but at the same time it is no harm for me to mention the subject. Now I think you are perfectly justified in recommending the persons who herd the lands of large graziers to cease to act as herds on these lands. We all agree that this system of exterminating the human population from the land, and replacing these land occupiers with cattle, is one which has done incalculable injury to this country, and one which should be put a stop to. Now, you would not be justified.—I can tell you this,—in threatening the herd or a big grazier; you would not be justified in using any personal violence toward him, but as I have told you, you would be justified, and thoroughly justified, in trying to persuade him to leave the occupation which he then followed, and try to get one which would be less injurious to his neighbours. (Cheers.) If this herd would refuse to take the laudable advice of his neighbours, why, then other means may be used. For instance, the shopkeepers in the village might cease to supply him with the things he requires; he might get no assistance in any of his difficulties, and his position would become so untenable that he probably would give up that occupation. Then when the matter had gone so far, of course it would be inconvenient for this landlord to look after the cattle himself. (Laughter and cheers.) Well, then, you know, when there is no one to look after the cattle, if by any means—of course I have told you before that above all things you should not attempt to maim or injure the cattle of anyone, because no one could defend conduct of that sort, but I tell you what I might say on this subject, and there is no law, human or divine, that would force you to look after this man's cattle if you were not in his employ, and if you find the cattle straying on the road it really would be nothing criminal to avoid taking any notice of the cattle (laughter). Then again, my friends, suppose the stone fences—any of his stone fences along the

roadside were broken down, and holes were in them, of course you would not be called upon at all to repair these fences, and you would not be called upon to point out to this landowner, who is doing such incalculable injury to the community—to point out to him that that injury had taken place on his fence (laughter). These are things that really do not require any argument, and in these ways it would be made exceedingly uncomfortable and inconvenient for the landlord to keep his land in grass, and if this pressure were continually brought to bear upon him, the result would probably be, that in a very limited time he would think it more for his interest to let this land to human beings than keep it in its present state, which is so injurious to us all. Well, now, I have pointed out to you some things that appeal to my mind with regard to this question, and I do not intend to say more than a very few words more to you, and they are these, that this Land League will be irresistible if all the people who are occupiers of land, or nearly all the occupiers of land become members of it. If the organization becomes perfect, and if every member keeps a close watch over all his neighbours through the instrumentality of the League, the result will be that it will give all the benefits shadowed forth on its behalf; but if, on the other hand, you are negligent and do not become members generally of the League, and do not make its organization perfect, the result will be that one person will break through its principles, another will break through its principles, the landlord will bring pressure upon a few, and the result will be that the whole of the benefits will be lost, and the organization will fall to the ground; but, as I have said, the only great thing for you to do is to become all members of the League. Let every man in every townland become a member of the League, and let each man act as an officer of the League to see that its principles are carried into certain and direct operation in every way that they can be carried into operation. These are matters that are of the very greatest importance. This is a question entirely for you, my friends, because I take it that every one of you is either an occupier of the land, or directly or indirectly living by land. I have personally very little interest in this question; it is nothing much to me; I have simply got mixed up in an agitation, and have spoken on behalf of the principles of the League, and which I believe to be of so much good for the interests of this community. The electors of county Cavan have given me a very great interest and very high honour (cheers), that gives me an opportunity of making my voice heard, and getting what I say reported, in places where much better speeches do not get reports, and do not, perhaps, get so much attention; but I do, my county Cavan friends, impress upon you, do as the people of Mayo, the people of Sligo, the people of Roscommon have done. Make yourselves all members of this Land League; enter into a combination to keep yourselves safe. We do not attack any particular landlord; we do not wish you to commit any outrage; you do not require to do it; you only require to use your continual moral influence each in your own neighbourhoods, and if you do so your power will be felt in such a way that it will be certain to triumph, not perhaps this year, not perhaps next year, but you are certain of a *bona fide* and thorough triumph inside of a very limited time if you do as you ought to do, fight for yourselves and for one another (loud cheers)."

Cross-examined by Mr. *S. Walker*, Q.C.

I just want three short passages—read from page 1, line 28, of Mr. Biggar's speech?—(*Witness* reads)—"The Land League's primary principle is that the land of Ireland should be bought out by the present occupiers of agricultural land from the landlords on equitable and fair terms; that the State should lend the money in the form of interest-bearing bonds to pay for this purchase, and that the occupiers of this agricultural land should be the occupiers, should pay, by instalments spread over a large number of years, the amount of that purchase money."

Now, page 4, please, and read from "Now, on this question of trusting or not trusting the present Government," to line 33?—(*Witness* reads)—"Now, on this question of trusting or not trusting the present Government I can only say this, that if the present Government during the coming session, if the Government during the coming session pass a Land Act which is satisfactory to the tenant farmers of Ireland, that is, one on the lines of the principle of the occupiers proprietary of every agricultural holding in Ireland, why, then, of course the Land League will have triumphed: it will have got all it proposed, and there will be an end to its occupation."

Pass down to the last line of the page, and read on from that?—(*Witness* reads)—"Now there are some things the League never did. The League never recommended outrages of any sort. The League has been charged with recommending murder. Well, the League never did anything of the sort, and the League never will, I believe. It certainly has not done so up to the present, and so far as I can form an opinion it never will recommend anything of the sort. Well, then, it has been charged with another thing, with recommending the maiming of cattle. That is a thing I would advise in the strongest terms I could possibly use—I would recommend that nothing of that sort should be practised, and for this reason—First of all, it is a frightfully cruel and sinful thing to do; and in the next place, it is a matter that is calculated to injure your cause very materially and very seriously with large classes of the English people who have political influence with regard to a settlement of this question."

Mr. *Walker*.—That will do.

Sub-Constable THOMAS O'RORKE, R.I.C., sworn and examined by Mr. *A. M. Porter*.

You are a Sub-Constable in the Royal Irish Constabulary?—I am.

Are you a shorthand writer also?—I am.

And able to report in shorthand?—Yes.

Were you present at a Land League meeting in Irishtown, county Mayo, on Sunday, 2nd May?—I was.

Mr. Justice FITZGERALD—What year?

Mr. *Porter*—1880. (To witness)—Were Mr. Parnell and Mr. Boyton present at it?—They were.

Did you notice at that meeting any banners?—I did.

What were they?—There was one banner with a round tower, an ancient cross, and a wolf dog, and the words "Defend your birthright," and upon that banner also was the figure of a pike head.

Anything else in words?—"Down with land robbers,"—that was all.

On the same banner?—Yes, on the same.

Was Mr. Michael Davitt at that meeting?—Yes.

Did he speak ?—He did.

Did you take a shorthand note of his speech ?—I did.

Did Mr. Davitt propose a resolution ?—I cannot say whether he proposed or seconded a resolution. By referring to my notes I could tell you.

Wait, before we come to that. Did you take an accurate report of his speech ?—As well as I was able.

Did you compare that with the print ?—Yes.

And does it compare accurately with your notes ?—Yes.

That is the print handed to the other side. Well, now, take the print. (*Witness* does so.) Turn to the speech of Mr. Davitt. Do you see did Mr. Davitt propose a resolution ?—He did propose a resolution.

Read it.—(*Witness* reads.)—"That in commemorating the initiation of the national land agitation by an anniversary meeting in Irishtown, we are manifesting the vitality of that movement which during the past twelve months has shaken the feudalistic system of land laws to its foundation," ——

Mr. *M'Laughlin* (interrupting).—Is there anything on your mind that you are reading in that melancholy way. Speak out.

Witness (continues reading)—"Called forth the inherent and hitherto inert resoluteness of the farmers of Ireland in the assertion of their rights, and demonstrated the power of the democracy of our country by the triumphs achieved over class supremacy, and the intelligence and order exhibited by the people in over 100 great demonstrations during the past year."

Mr. *Porter*.—Very well; that is the resolution he proposed ?—Yes.

Look at line 45 in that same page 3, and read that slowly and clearly, that the jury may hear you. (*Witness* reads)—"Now having enumerated the forces that were arrayed against this agitation, I will glance at the work. First of all it has shown the tenant farmers of Ireland their great strength. It has brought them together in vast numbers; the force of landlordism is nothing against the vast masses of the people. It has raised them from that despondent state, and convinced them that they have rights to the soil of Ireland, rights far more strong and more superior than the landlords, and it has infused into the people such a spirit that they are resolved to fight for these rights until victory crowns their cause. From the operations of Irish landlordism, and from unproductive seasons, this country finds itself in a great social crisis. What did the Land League movement do? It called upon the people to pay no rent until they got a reduction. It called upon the people, as I call upon you to-day, to look to the comforts of your own homes, and then offer the landlords what you can spare. The result of this teaching is that something between two and three million pounds have been kept in Ireland to support you in the past, and I am sorry to say in the present famine. Now the next benefit conferred was the lifting this question from insular obscurity, and gain for it an audience bounded only by the centre of the world. Thanks, then, in this movement is due to Charles Stewart Parnell (cheers). As this land movement, headed by Mr. Parnell, has taken the land question 3,000 miles, and placed it before the chivalrous American people (cheers). What was the reception it received from the Republic of the West? Let the reception given to Mr. Parnell be the answer. The whole people of America, the whole American press, save and except the grovelling hireling rag, the *New York Herald* (groans). The whole American nation, then, has declared that justice and natural rights demanded that the landlords should go ('Down, down with them,' and groans). The next triumph of the

national land movement is this—Mr. Parnell came back from America, and flung himself into the contest, and wherever he appeared the landlord representatives fled before him like mists before the sun. Having squelched King-Harman in Sligo, the O'Conor Don in Roscommon, and Kavanagh in Carlow, and having at last swept by a special train from Cork to Mayo, he politically killed poor Mr. Brown, and through him virtually extinguished landlord power in Mayo. Mr. Parnell returned to Dublin and summoned a land conference, and adopted the other day such a radical programme of land reform as has never been previously taken into the House of Commons. I have now pointed out to you the forces working against us. I have now one question to put to you. Have you the same ready hands, the same willing hearts to plant this reform, until it finally crushes landlordism out of Ireland? Are you resolved fighting side by side to crush this monster of iniquity—Irish landlordism? Will you through public meetings and by local organizations aid in doing this, for in your organization lies your strength? If you do this, then depend upon it that you will be saving your people from emigration. Now in conclusion I have only just to say in answer to the charges preferred against this agitation by a paper that has rendered this question a good service, but I am sorry to say is to-day as bitterly opposed to the platform of this land movement as it was twelve months ago (groans for the *Freeman's Journal*). It brings a charge of confiscation against the National Land League. It brings this charge in the interests of the landlords of Ireland. The *Freeman* says it is only the landlord's interests are to be protected. Your earnings are a mere trifle compared to the wealth produced by Ireland. Yours have been God-given rights; when you declare to keep a firm grip of your earnings, then it well becomes the *Freeman's Journal* to prefix such charges of confiscation against you and your children in Ireland. In the past you have been the weaker party, the landlords had the Government with them. Now you have triumphed both over the landlords and the Government, and by your action you have made the landlords the weaker party. Then, in the name of reason, in the name of justice and of common sense, let the landlords go to the wall (loud cheering)."

Did a Mr. John Louden speak at that meeting?—He did, sir.

Turn to page five at the foot—"We often hear the expression."

Mr. Justice BARRY.—On what page.

Mr. *Porter*.—Five, my lord; line forty-nine.

(*Witness* reads):—"We often hear the expression that our meetings are communistic, but I here declare in the face of heaven that the land does not belong to the landlords but to the people for whom God intended it. Yes, my friends, in a document emanating from parties in Dublin, the people are told to render to Cæsar the things that are Cæsar's. A friend of mine once said Tiberius deserved the rope for he was a tyrant. No, you must not let any man bring a charge of communism against us, for the cause we are advocating here is the cause of humanity and of God (loud cheers)."

Now turn to the speech of Mr. Parnell, page seven, line thirty-four. See did he propose a resolution?—Yes.

Now read the resolution?—(*Witness* reads)—"That we hereby endorse the programme of land reform for Ireland, which has been prepared for the National Land League, and adopted at the conference of land reformers held in Dublin on Thursday last, and pledge ourselves to do all in our power to have that programme applied to the amelioration of the agricultural and industrial classes of our country. (Cheers)."

Now, go on with the speech from that point?—(*Witness* reads)—"The *Freeman's Journal* in its issue of Saturday commenced a leader on this subject in the following way:—'We have no desire to appear antagonistic to those land reformers who dream that it is possible at a single sweep to buy out all the landlords in the country, and resell their estates to the tenants' (cheers). Now the *Freeman's Journal*, in supposing that this sentence conveyed generally the programme of the Land League, made not for the first time, a mistake with regard to our programme, our aims, and objects, and the means by which we seek to carry out those aims and objects. We do not desire to buy out at a single sweep all the landlords in the country, and to resell these estates to the tenants at 20 years' purchase of the Government valuation, or at any other valuation, and there is not a shadow of foundation in any of the resolutions passed at the Land Conference the other day which could convey such an impression. The programme of the National Land League is such as to effect a reduction in the rackrents which are pressing on the tenantry of Ireland. And I would point out that the *Freeman's Journal* which now gives us such advice has from the very first obstructed the National Land League in carrying out this object. I can recollect the land meeting of which this is the anniversary, and the subsequent meeting at Westport at which I first appeared and taught you to hold a firm grip of your holdings (cheers), were denounced in the leading article of this same *Freeman's Journal*" (A voice, down with the Whig *Freeman*.) Mr. Parnell.—"And furthermore, in addition to the reduction of rent for the tenantry which we have been successful in obtaining wherever the people of Ireland followed our advice, we desire to bring about a gradual transfer of the land of Ireland to the tenant farmers of Ireland. We believe that the people of a country should own the land, but we have never said that we are willing at one sweep to give 20 years' purchase on the Government valuation. and no body has a right to forecast the future. Who can tell that the land of Ireland next year or the year after that the land will be worth 20 years' purchase of the valuation. A few years since land was selling in the Landed Estates Court at an average of 23½ years purchase of the rental, being 25 or 30 per cent. over the Government valuation; to-day land cannot be sold in some places at 15 years purchase of the rental; and it would be folly and madness for any man to recommend the people of Ireland to give 20 years' purchase of it for the land to-day (hear, hear), Now what have we recommended as one of the means to effect a gradual transfer of the land of this country to those who till it, and also as a further means of obtaining an abatement of rackrents which still affects many parts of this country? We have recommended the appointment by the Government of a Commission with power to do certain things, power to improve and carry out the Bright clauses of the Land Act; power to the department to acquire the ownership of any estate upon tendering to the owners thereof a sum equal to 20 years' purchase of the Poor Law valuation of such estate, and to let such estate to the tenants at a rent equal to three and a half per cent. per annum on the purchase money. This is the clause which is evidently misrepresented by the *Freeman's Journal*. Now I claim and I feel convinced that the appointment of a Commission composed of men who meant to do right with the people of Ireland, with 20 or 30 millions of money at their command, with power to pounce down upon any rackrenting or exterminating landlord in any part of Ireland, and to put an end to his rights over his tenants by giving him twenty years' purchase upon the valuation is a far better means for protecting the Irish tenant than

the cloud of legal fiction contained in the late Mr. Butt's land bill (cheers); and as for the rest, this Irish land question has now attained such proportions that it must be settled, and it can only be settled in one way, by a transfer of the land to the people who occupy it. There is no other settlement for the abolition of the feudal system of land tenure than the settlement which we have proposed. We have dozens of precedents in all the great European countries, in America, in Canada, and in Prince Edward's Island for the settlement, which we urge to-day. There is no precedent anywhere for the settlement recommended by the *Freeman's Journal*. But, says the *Freeman's Journal*, at the end of a laborious and ungrammatical article of two columns and a-half, 'We shall deal on some future occasion with the objection urged in the scheme under consideration to the plan of fixity of tenure laid down by Mr. Butt.'"

Stop there. Go on now to line 29 of the same page, "Surely you will to-day renew."—(*Witness* reads)—"Surely you will to-day renew the pledge you made twelve months ago upon these historic plains, that you will keep a firm grip of your holdings, that you will refuse to pay any unjust rent, and that you will stand by this struggle until the lands have passed into the possession of the people. If you do this to-day we can promise you victory (hear, hear). The Irish National Land League was then a struggling institution; our people were then starving, but to-day the National Land League is known all over the world. Canada, Australia, and America are pouring money in to help us (cheers). They will give you millions, but don't be attempting to pay unjust rents in this coming summer and autumn, and compel us again to appear as beggars for you in all parts of the world. They are willing to send us money, but they think that you should not wilfully plunge yourselves into poverty by continuing to pay these unjust rents (cheers). And this is a reasonable position you have taken up. The land of Ireland is amply sufficient to feed all her population, but if you persist in sending every ready penny you have and selling all the food of the country to support the landlords in luxury you cannot in future expect the support of the civilized world. But I am sure that warned by the teachings of the past you will renew your determination. It is impossible for the 600,000 tenant farmers of Ireland to be overwhelmed if they combine together. It is impossible even for the tenant farmers of a single county to be thrust out if they combine together. We will protect you by fighting in the courts points of law (cheers), and out of the courts by creating a public sentiment against landlord exterminators who may venture to trespass on your rights; and if by chance in any place a landlord should get the upper hand of his tenantry, we will see that better and happier homes will take the places of those you have lost. But in order to do all this you must take our advice, you must stand firm, you must give good notice whenever any of you are threatened with eviction, and above all things you must form local organisations which will be able to investigate these cases and support the Land League. I leave this cause then, for it is your own cause, confidently in your own hands, believing that the spirit of the county of Mayo has not been deteriorated by the suffering of last winter, and that we are commencing a renewal of agitation on this land question of greater intensity than that which signalised last winter." (Loud cheering).

That is the end of the speech?—Yes.

Now, did Mr. Michael Boyton speak also at that meeting?—He did, sir.

Turn to the next speech—page 15 of the print. Read the fourth resolution that he proposed ?

(*Witness* reads)—"That we will continue to look upon anyone taking a farm or renting land from which another has been evicted or which may have been given up through exorbitant rents as an avowed enemy to the interests of his country and an abettor of a system which plunges Ireland into periodical famine."

Now go to line 25 : "Men of Mayo." This is his speech ?—Yes—"Men of Mayo, I have been sent here by the Land League of Kildare to take a photographic view in my mind of everything I see here to-day, and I assure you for the first time in my life that I set foot in Mayo. I will go back, and if God gives me ability to do it, I will tell them that the cows in Connaught have long horns."

Cross-examined by Mr. *M'Laughlin.*

Read that last sentence again if you please. It seems to be of importance. (*Witness* reads)—"Men of Mayo, I have been sent here by the Land League of Kildare to take a photographic view in my mind of everything I see here to-day, and I assure you for the first time in my life that I set foot in Mayo. I will go back, and if God gives me ability to do it, I will tell them that the cows in Connaught have long horns."

Very well. What does that mean, do you think ? I beg your pardon, tell me are you a regular reporter ? Can you write shorthand ?—Yes.

Can you write much of it ?—I can write a fair share of it.

I see. What system do you write ?—Pitman's.

Ay. You never were a reporter on any newspaper, Mr. ?—No, sir.

I suppose you belong to the Belfast Constabulary ?—No, sir.

What district then ; I see a number on you ?—Waterford.

Very well. Did you ever say that you were a reporter on the *Waterford Mail* at all ?—I said it to one.

Is that true ?—No.

And what did you tell the lie for ?—I was not going to tell the person who asked me what I was.

I see. Where was this ?—In Ballina.

And says you, "I am a reporter on the *Waterford Mail* ?—I did not say the *Waterford Mail*, but it is the same proprietor, and I said the *Munster Express.*

I see—that was equally "a thumper," wasn't it ? Very well. Do you remember who was chairman of that meeting ?—What meeting ?

The meeting you have been giving evidence about—Irishtown ?—The Rev. Father M'Alpine.

The parish priest. Have you your notes here ?—Yes.

Have you the transcript ?—Yes.

Will you let me see the transcript of the first speech you gave evidence about—that is Davitt's speech ? I have only a question or two to ask you about it. (*Witness* after a short search selected some MS.)

Was that the first transcript you made from your notes ?—Yes.

Let me see it ?—(MS. handed down to counsel.)

Where is the original transcript you made from the notes. This is a fair copy ?—This is the original.

I will ask you this. Did you swear that nothing intervened between that and the notes ? Take the shorthand notes in your hands—Pitman's as you say—because you are the most marvellous reporter I ever saw,

if you wrote this copy from your notes. Get the original transcript: this is a fair copy after you had dressed it up?—This is it.

That is what I am asking you. Did you, upon your oath, tell the truth when you swore that was the copy you made from your notes, without any intervening copy?—That is the copy I got. When I made the transcript and gave it in, that is the copy I got.

Will you let me see the transcript, until we see the blots on it, the interpolations in it, and everything? Did not you try to lead the jury to believe that is the copy you wrote from the notes, and don't you know it is not?—I wrote that from the notes.

Is that your writing?—Yes.

You wrote that directly from the shorthand?—Yes.

Without any intervention?—Yes.

What did you say a minute ago—that you gave it to them, and they gave you back them.

The *Attorney-General.*—Of course it had to be printed.

Mr. *M'Laughlin* (to witness).—What I want to know is—was there any other draft from the notes before you wrote that for your copy, in which there it not a blank from beginning to end—not a reporter in the Court could do it?—I wrote one before, but this ——

Oh, yes, you wrote one before?—But this is from the notes.

Where is the one you wrote before?—I have not it here.

Didn't you touch it up?—Yes; there were some corrections.

I think so. I suppose the speakers now and then would walk away from you? Now, could you report more than half what an average speaker would say, because I mean to try you presently?—I would.

Could you report three-fourths?—Yes.

The whole?—No.

I think not. So you come here just with as much as you could gather?—Yes.

So I thought. When the speaker gets away from you you drop him, and then take him up at the next sentence you can catch?—Yes.

And you pebbledash it then?—No.

How do you work it. How do you manage with the blanks?—I give the notes.

Sure they would be unintelligible. Now, do you think you could really and truly follow an ordinary speaker, my friend? Just think over it now. There is no harm if you could not, you know?—I could follow a speaker.

But I said an ordinary speaker?—At what rate?

At the rate he was going?—I could nearly keep up to Mr. Davitt speaking.

I believe he is a deliberate sort of speaker, as if he was reading a funeral service?—Not altogether.

But you could nearly keep up to him?—Yes.

Are not the speeches you have been reading, dressed up from your first transcript?—Oh, no.

Did not you say so a while ago?

The *Attorney-General.*—No, he did not.

Mr. *M'Laughlin.*—He said they were touched up.

The *Attorney-General.*—No, but you said it.

Mr. *M'Laughlin* (to witness).—As I understand, you took as much as you could?—Yes.

How long have you been at shorthand?—Seven or eight years.

Night, noon, and morning?—No, but very constantly.

Well, have you your note-book there?—Yes.

Before I come to that, did you ever represent yourself to be a reporter of any newspaper except the *Munster Express*?—No, nor even that at the meeting.

Then how did you do it?—To Mr. O'Rorke, proprietor of a hotel in Ballina.

Well, take up your pencil now, because I am going to begin and test you. I want to see if you can take me.

Mr. *Porter*.—But he said an "ordinary" speaker.

Mr. *M'Laughlin*.—And I will speak as like him as I can. (To *Witness*)—Will you take a note of what I say?—I have not a pencil with me.

Between ourselves, you know you were employed to take a verbatim note?—I could not take a verbatim note.

Verbatim means word for word, does not it?—Yes, sir.

Very well. I think you may march now.

Re-examined by Mr. *Porter*, Q.C.

Have you your shorthand notes there?—Yes.

And are you prepared to read any passage from them you may be asked?—Yes.

Cross-examined by Mr. *Curran*.

Do you know Nally's appearance?—Yes.

Was he there?—Yes; he was present at the meeting.

But he was not allowed to speak?—He did not speak while I was there.

Were you there until the close of the meeting?—When the meeting was closed I went away.

Very well. You were there during the entire meeting?—Yes. When the vote of thanks was passed to the chairman I went away.

That was when the meeting was closed. Do you know Nally?—Yes.

Do you know anything of his history?—Well, not of my own knowledge.

Have you heard anything of it?—Something.

Did you hear that his uncle and aunt were evicted from a farm?—I did.

Did you hear that his aunt was carried out in a dying state two days after her confinement, and died soon afterwards?

Mr. Justice FITZGERALD.—Don't answer that question.

Mr. *Curran*.—Would not Nally's personal history be evidence, my lord?

Mr. Justice FITZGERALD.—It is not evidence when it is only hearsay.

Mr. *Curran*.—For the purpose of showing that he was not acting as a conspirator.

Mr. Justice FITZGERALD.—It is only hearsay, and hearsay is not evidence.

Mr. *Curran*.—I beg your lordship's pardon. (To witness)—Do you know anything about Walsh?—Not of my own knowledge.

Re-examined by Mr. *Porter*, Q.C.

Have you gone over the original shorthand notes you took, and compared them, and checked the print with them?—Yes.

Is the print an accurate copy of your notes?—Yes.

Mr. *M'Laughlin*.—Will your lordship allow me to ask the witness a

question? (To witness)—Would you be able to get the original transcript you wrote, that intervenes between the shorthand notes and this copy, before the trial closes?—I think I will.

You will kindly do so, I have a curiosity to see it.

Mr. *A. M. Sullivan*, M.P.—I am for Mr. Egan, my lord.

(To witness)—How long were you practising shorthand?—Eight years.

You know a good deal about it?—I have a fair knowledge of it.

Do you know it requires constant practice to keep your hand up to it.—Yes.

Were you practising it constantly for eight years?—I had fair practice daily for some time—for about twelve, or fourteen, or eighteen months previous to going out.

Was this at public meetings?—No.

No. Now, on your oath, what practice had you at reporting public meetings, sir, before this one?—I had no practice at reporting public meetings before this one.

That will do.

Examined by Mr. *Porter*, Q.C.

Were you at another meeting at Ballintaffy, in county Mayo, on the 3rd May, 1880?—Yes.

Where was that meeting held?—It was held on the farm.

Was there anything done there beside the mere assembling of the meeting?—Yes; they planted two farms with corn.

How many people were there doing that?—About 500.

Did you see any board on one of these farms?—Yes.

Did you see anything written on it?—Yes, "let no man take this land."

Mr. Boyton, I believe, was present?—He was.

Was Mr. Walsh, of Balla, there?—He was.

Did you report his speech?—Yes.

Turn to page eight of the print.

Mr. Justice FITZGERALD.—Mr. Walsh's speech.

Mr. *Porter*.—Yes, my lord, John W. Walsh. (To *Witness*) Line 17, page 8, Mr. Walsh's speech—"I am here to-day." Read from that.—(*Witness* reads)—"I am here to-day to assist you to denounce that system. God made this world for his own glory and man's benefit. You have as much right to the soil as you have to the air you breathe. Almighty God never intended that a few lazy people should own the land."

Mr. *Macdonogh*.—Would I trouble you to begin his speech for us, and go forward:—(*Witness* reads)—"Rev. and worthy chairman"——

Who was the chairman?—Rev. Father Corbett. (Reads) "Rev. and worthy chairman, and tenant-farmers of Mayo, I thank you from the bottom of my heart for the magnificent demonstration you have made here to-day. I feel that the power is still in the hands of the people if they will but exercise it (cheers). Only a short time ago I had occasion to call on the people of Mayo to prevent Anthony Dempsey from being evicted. I am glad now that the people answered that call, and show that they are determined to have the land. I felt sorry at first that I could not attend this demonstration, but I thought I would be wanting in my duty if I deserted the people in such a grave crisis as this. Now, I feel it a pleasure that I have come here to-day to lend my humble aid to Father Corbett—the Soggarth Aroon—and I may tell you that it was from the lips of Father Corbett that I first learned to hate landlordism.

The name of Father Corbett is now a household word in the whole county; and again I will tell you why I feel a pleasure. It is this: that before I was scarcely able to crawl I recollect the name of Anthony Ormsby (groans)."

You need not read the following passage, which you have already read.

Mr. *M'Laughlin.*—Who was chairman at that meeting, if you please?—Rev. Father Corbett.

Mr. *Porter.*—Did you attend at the meeting in Newtown, Queen's County?—I did.

Mr. *M'Laughlin.*—Would you allow me for a moment. I think he said Rev. Father Corbett was the chairman?—Yes.

What language did he speak in?—English and Irish.

Have you a shorthand report of both?—No.

Very well. You don't speak Irish?—I might speak a few words.

So could I, too; but I could not report them.

Mr. Justice FITZGERALD.—What is the next meeting?

Mr. *Porter.*—Newtown, my lord; 13th June, 1880.

Was Mr. Boyton present at that meeting?—He was.

And the speaker before him was Mr. Thomas Breen?—Yes.

Mr. Breen proposed a resolution?—Yes.

Well, read the resolution.—(*Witness* reads)—"That we solemnly pledge ourselves never to take the land from which our fellow tenants have been evicted, and to discountenance by every legal means in our power the man so lost to public decency as to be found occupying these holdings."

Did Mr. Boyton speak after that?—Yes.

Now turn to his speech, near the foot of the first page of his speech—page 8, line 44.—(*Witness* reads)—"The organization that is spreading over Ireland has in view a set of objects, and if we are enabled to carry out these objects—and without you we can do nothing—if you enable us to carry out these objects, we will make the property of Irish landlords so worthless that the landlords will leave it to you. (Cheers.)"

Now turn to page 9, line 17—"And I to-day want you." (*Witness* reads)—"And I to-day want you to lift your voices and hands (all hands were raised) to fight for the green soil of Erin (cheers)."

Now go to line 49 of the same page—"Now I want every one of you." (*Witness* reads)—"Now, I want everyone of you to understand that you are to band yourselves together; organize and agitate for the total extinction of landlordism. You want to put forward your demand, and then let the English people take the responsibility if they fail to answer that demand when it goes forth with the thundering voice of all Ireland (cheers). Don't be afraid of the men who call you bad names—let them fire away. Things are going bad with these gentlemen when they have to turn on us and call us bad names (cheers). For the first time in history the people of Ireland are making an effort to live on the soil that God created and blessed—a land consecrated by the footsteps and the graves of thousands of saints (cheers). A land that has shed its blood again and again in abortive attempts to rescue itself from the infamous touch of the vilest Government that ever cursed the earth."

Mr. *Porter.*—Go to line 34, same page, "There have been evictions." (*Witness* reads):—"There have been evictions in Mayo, Galway, and Tipperary, and the caretakers that are watching these evicted farms and inhabiting these homesteads are the bats and the owls, and God help the man who dares to go near one of them (cheers)."

Now line 50, same page?—(*Witness* reads):—"Now, men of New-

town, I want you to note carefully what will ensue if these evictions take place. Pledge yourselves like men, and if your consciences tell you not to do that, don't do it. I ask you, as God-fearing Irishmen, to take the pledge that no one here will take the farm from which another has been evicted (cheers). I want you all to hold up your hands and say you take that pledge (loud cheers, and all hands raised). Now, the man that would break that pledge would break his oath. You have taken that pledge that you will not go on that property (cheers). I ask every labourer to seek a day's work in some other place. There will be a thousand instances like this occur before Christmas. I have said enough to-day, but by virtue of my position, as the representative of your illustrious leader, Charles Stewart Parnell (cheers), I hereby nominate a branch of the Land League, to be called the Newtown branch, in the Queen's County—I should have said the people's county (cheers). Everyone should come up and join it. We have money, we have everything to work for your rights; but until you show your determination to help us by joining the Land League, we cannot give you one dollar of help (cheers). Now, should any Land Leaguer here be evicted, we will take charge of his widow or orphans, and we will care for them until they are restored (cheers). This movement, as it has borne such magnificent fruit, deserves to be gone on with—go on with it—what is your neighbour's lot to-day may be your own any day. Stand together like men, and as your thrice worthy representative said, I trust you will see that without money we cannot work forward and assist you. Assist us, and we will never stop until we have wiped away that infamous system of landlordism off the face of the earth altogether (loud cheering)."

That was the end of that speech?—Yes.

Did Mr. Boyton speak again?—Yes.

Did you report the second speech?—Yes.

Turn to page 13, line 15—"They have always been with the people." (*Witness* reads)—"They have always been with the people, and they will be always with us. There is no protection for the poor evicted people, but there is a house of refuge for the criminal. The law of the land can reach him, but there is no law to protect the poor man. Landlordism has for centuries been committing crime, ay, felonious crimes, and still the law does not dishonour it. It has pulled down thousands upon thousands of historic and sacred spots on this island, and it is here to-day that we are going to begin to have our revenge, for the priests and bishops will help us to pull down that system."

That will do—that is all I have to ask you.

Cross-examined by Mr. *Luke Dillon*.

Who took the chair at that meeting?—Father M'Crea.

Have you got a report of his speech on your notes?—Yes.

Will you refer to your shorthand notes? Did you hear Father M'Crea at that meeting? Were his words to this effect? Read his address to the meeting out of the shorthand notes? Have you lost the original transcript?—No.

Mr. *Porter*.—He has the original notes.

Mr. *Dillon*.—Read Father M'Crea's speech from your original shorthand notes?—(*Witness* reads from shorthand notes)—"My friends, it is with the greatest possible reluctance that I occupy the position to which Mr. Delany has promoted me to-day. My reluctance arises from this: I know that there are many others here my superiors both in intelli-

gence and prudence, and the only reason why I occupy this position is this, that it is a testimony of the respect which every meeting of Irishmen, of Catholic Irishmen, gives to the priest (cheers). That your inclination is to select me for the most honourable position I have no doubt. And the reason which urges me to take the chair is, because it is not for my own merits, but in testimony to the profession that I represent, that the Catholic people of Ireland always selected the priests for the positions of honour (cheers).

Mr. Justice FITZGERALD.—Mr. Dillon, if this is intended as a test of his powers of reporting, it is a very good one.

Mr. *Dillon.*—Did you touch up that report?—I vocalised it.

Go to page 10 of the printed matter, Mr. Boyton's speech—look at line 20, and read—"I have here the cases"?

Mr. Justice FITZGERALD.—What line, Mr. Dillon?—Line 20, my lord.

(*Witness* reads):—"I have here the cases of eviction that has brought us together to-day. In the first place, I went down to the lands and had a good look at them. Your friend, Mr. Delany here, pointed them out to me. Do you take a good look at them too. You can see them from where you stand, and then form your own judgment, and think what kind of man, if man he is, that crushed these people. In the first case there is Mrs. Maria Reilly, whose Government valuation is £10, and who is charged by this man a rent of £23 15*s.* (Groans, and 'Oh, oh, oh!') When this place was first taken the rent was £1 2*s.* Not because that was a just value for the land, but to obtain it. And they are now in possession twenty-five years, and they owed but one and a half years' rent (groans). When other lands gave good crops this land would produce no more than thirteen stones of corn to the acre. Half that rent was tendered to her landlord, but he refused it unless the whole one and a half year's rent was paid; but he let her in, after getting possession, as caretaker for six months."

Mr. *Porter.*—Were you present at the land meeting in the county of Cork on the 1st August, 1880?—I was.

Mr. Justice FITZGERALD.—What meeting?

Mr. *Porter.*—At Millstreet, my lord, on the 1st August, 1880.

Go to page 6, Mr. O'Sullivan's speech.

Mr. Justice FITZGERALD.—That is one of the traversers.

Mr. *Porter.*—Yes, my lord.

Mr. Justice FITZGERALD.—What page?

Mr. *Porter.*—Page 6, line 23, "On behalf of the Land League."—(*Witness* reads)—"On behalf of the Land League I promised that as long as people were not got to work on these farms or to occupy them that we would build houses for them. We have found it necessary in this agitation to make promises to the people which we mean to fulfil and which we are fulfilling. It is not by speaking alone or cheering you will gain anything, you must use practical means. We have too much of that kind in politics and we have too little of earnest work. If the people do not take the farms from which others are evicted, if they let the land lie idle, then the landlord will have to bend his back, and if he does not mow the hay and save it, let it rot. Let no man be found to save it, and let it rot, and if you bring them to that pitch, you will find landlordism will come to an end. (Cheers.) In the west of Ireland we have resolved that landlordism will come to its knees, and be throttled, and we want the south to come to our assistance. I want to know to-day will you or will you not? I want to see the hands of those who till the soil raised. (All hands raised.)"

Were all hands raised at the meeting?—Yes.

Go to the next page, line 23, "I will not occupy any more of your time?"—(*Witness* reads)—"I will not occupy any more of your time. I see there is not the slightest reason why I should. I see you are determined to put an end to landlordism, that you don't want fixity of tenure, which means fixity of landlordism. You are determined to strike down that garrison. I don't stand here to advocate any particular system of national independence, it is enough for me to know that this meeting has accepted our platform. I don't ask them to follow these details. If they do accept the principles, and I am sure they do accept them, and if I appeal to the women I am sure I will have them with me. Form a branch of the Land League in your midst, join it, and sustain it. The expense and cost will be nothing. I don't look at the costs. (A voice, 'But we do.') One shilling a year—but one penny a year from the 600,000 farmers of Ireland would make 50,000 shillings, but I won't go into that. The great cause of our poverty is absenteeism. Every year £6,000,000 of our money are taken out of the country by absentees. Now if this money was handed back for the last thirty years we would have £180,000,000 in the country without counting anything in the shape of interest, and I ask you would it not become a rich country. (Loud cheering.)"

That is the end of that speech?—Yes.

Cross-examined by Mr. *Adams*.

Who presided at that meeting?—Canon M'Mahon.

Were there many clergymen there?—Yes.

The meeting was a quiet one?—It was.

Where were you whilst taking the notes?—I was seated in a waggonette under the platform.

How far were you away?—About four yards from the speakers.

And you heard every word said?—Yes. There may have been a word that escaped me, but I heard nearly every word.

You heard the shorthand writers of Mr. Gurney's staff examined?—I heard only one.

Did you notice that they constantly had breaks in their notes?—Yes.

And you appear to have every word?—Yes. I made it a point to take every sentence complete.

But you say you cannot take a verbatim report?—I don't go in for that.

But every sentence is complete?—I complete a sentence before I begin another.

And leave out the next?—No.

What then?—When I am completing a sentence, another or two may escape, but no more.

So you may have left out several sentences in that speech?—There may be through the whole speech three or four, or perhaps five sentences left out.

You won't say what they were?—No.

Or what their meaning was?—No.

Or whether they explained what went before them?—I won't say.

Mr. *Porter*.—You say, after you made your note, you vocalised it; what do you mean by that?—I put in the vowels in order to enable me to read it more fluently.

Mr. *Porter*.—There was a speech of Mr. J. R. Heffernan at that meeting; look at page 9, line 8, "We mean to bring public opinion?"—

(*Witness* reads)—"We mean to bring public opinion and our own force to bear on the enemies of Ireland, and we will, if you stand to your guns and not take a farm from which a tenant is evicted. If you follow the advice of the previous speakers we will fight for the tenants, and if you do not touch the land you will starve out the landlords (cheers.) It is time that they should go. Man must work or steal. I ask you, do the landlords work? (No, no.) Well if not, then they steal. I will tell you how they steal. Suppose one of you take the hillside and reduce it to a garden, the landlord then pursues you and makes you pay rent for it. Is not that stealing from you the fruits of your labour? James Redpath, your American friend, has told you that Ireland has two curses, one curse is famine, the other the curse of the landlords. When lecturing in Boston he told you that the hunted fox had his lair, but the hunted tenant has no place. Landlordism must go, absenteeism is a curse. I regard your decent landlords of the present moment as a curse. If they were all bad together I would like to see how you would stand."

Now go to line 31, same page, "The landlords are bad?"—(*Witness* reads)—"The landlords are bad, but the agents are worse, and I am sorry to find that you have such an opinion of them, and that they are so unpopular."

Go to line 44, same page—"I accuse Parnell?"—(*Witness* reads)—"I accuse Parnell publicly of feeding the landlords by the relief given to you if it goes into their pockets. But it is for you now to keep a grip of the harvests. First clothe your wives and families, set by enough to feed yourselves till next harvest, and then you can give the rest to the landlords. We are determined to fight the battle, and it is the people's work to starve the landlords. Let no one be found to buy up that land at Scrahan, and if you do that you will surely starve out the landlords." (Loud cheers.)

Cross-examined by Mr. *Adams.*

Read the passage commencing, "In my father's time?"—(*Witness* reads).—"In my father's time, for I don't remember it myself, he had to pay one-tenth of his property in the way of tithes. If you had ten sheep you should give one of them away. But the people rose *en massy*, and they starved out the church."

Did you take down *en massy* in shorthand?—No.

Where did you get *en massy*?—I can take it down in shorthand as well as in longhand; but I think I took it down in longhand.

What language is it—is it Irish?—No. I believe it is Latin, or French.

Do you know Latin?—No.

Will you allow me to translate—"But the people rose *en massy* when going to Mass, and they starved out the Church." Is not that what he said?—No.

What is the meaning of *en massy*?—In a body, I think.

And that is exactly what he said. Show the longhand in which you took that down?—I did not say it is in longhand, it may be in shorthand.

Show the shorthand character which represents *en massy*. What are the shorthand characters representing it?—N and M and S, and then I vocalise it by putting in the E.

Did you ever hear the word before?—Yes, often.

And always pronounced that way?—Yes.

And if he said *en masse* you would not know the word?—I would.

How would you when it is pronounced differently? Did you ever hear of any shorthand-writer who took down a foreign word in shorthand?—I don't know anyone.

Where did you get *in massy* from; did you take it down from the speaker's lips?—He said the word, and I put it down that way and vocalised it myself.

Re-examined by Mr. *Porter*.

You were asked about the pronunciation. Do you know, as a matter of fact, if Mr. J. R. Heffernan, of Blarney, is a Frenchman?—I believe he is an Irishman.

Mr. *Porter*.—Now, my lords, I go to the Killorgan meeting, in the county Kerry held on the 11th August, 1880.

Was the traverser, Mr. O'Sullivan, present?—He was.

Did he speak?—Yes.

And Mr. Heffernan spoke?—Yes.

Did you take a report of their speeches?—Yes.

Turn to your report of Mr. O'Sullivan's speech, page 3 beginning at the top?—(*Witness* reads)—"Men and women of Kerry, it affords me very great pleasure to speak to you here in my native county, Throughout a short career, it has been my lot to speak to many men, but never until to-day have I had the same impressions when I speak to my own county men. (cheers.) We have assembled here to-day to further this land movement, to put forward through Kerry that the landlords must go (cheers); to make war against monopoly. We don't wish to take one penny from the landlords, but for all that, we want to secure to the tenant the fruits of his industry. The landlords may oppose us; yes, they have opposed us. In the House of Commons a very small instalment of justice to the Irish tenant was passed, but it was thrown out in the House of Lords. (Groans and hisses.) But the people have determined to put an end to that House. (Cheers.) I want to know to-day if the men of Kerry have the manliness to support the people of the west? ('We have.') I knew that there was manhood in Kerry, and I want to know will the manhood of Kerry support the people of the west. ('We will, we will'). We have in Kerry too much apathy, and I am sorry to say, too little of practical work. In the west, north, and east of Ireland the tenant farmers have declared that they will never pay one penny of unjust rent, and that they will not take the farm of an evicted tenant pending the settlement of this land question. I want to know to-day will the men of Kerry assist them in proclaiming this to the world? ('we will'). In Cork, on last Sunday, we pledged the people never to buy the goods or produce of a farm from which a tenant was evicted or which had been sold for rent. We have pledged the people never to labour on that farm. If the landlord wishes to save the crops, let him bend his own back (cheers). And if he does not, let the crops rot on the land, but let no labourer work on the farm. In this way, and in this way only will we starve out the landlords. I appeal to the landlords, and I see some of them here to-day, to sell out and go wherever they like. I ask you to-day not to cease this agitation until you have your rights gained (cheers). I want you to pledge yourselves with uplifted hands and with no braggadocio that you will never cease this agitation until you have obtained for yourselves the soil you till (cheers). Come, up with all hands now (all hands up). That's right—stick to that pledge."

Now go to the next page, line 5, at the words "I want you to band together." Read from that?—(*Witness* reads)—"I want you to band

together and be as one man. I now place the remedy before you. I ask you to be banded together as one man and to form a branch of the Land League here. Form branches of the Land League in your districts. You have with you Charles Stewart Parnell, the man who travelled over miles of ocean to save you and your families (cheers). You have with him many faithful lieutenants, men who like himself will work for you. I say we want many things. We want to know whether the people are with us or against us? ('With you.') Are the men of Kerry less patriotic than the men of Mayo? I asked the tenant farmers there to pay no rents to the landlords but a fair rent—their valuation, and if they did not accept that to pay no rent at all (cheers). I am glad to-day that I look upon that social multitude and know that they will carry it out. I came from Mayo to-day to bear a message from Mayo to Kerry, and that message is not to pay any rent whatever till you get a settlement. (A voice—'If we don't pay rent what will become of us?') Mr. O'Sullivan—You shall do it no more. You had no friends to look to you then, but now friends have come forward with money, the Land League comes forward now with ten thousand pounds for the purpose of supporting evicted families if men can back together and come to the conclusion of paying no rents, we will support these and their families, and in that way we will gain (cheers). I ask you to-day, men of Kerry, to unite with the men of north, south, and west. I ask you, are you determined to prosecute this land war until you have got a settlement? The landlords have thrown down the gauntlet, will you take it up, or will you remain as you are? (Never.) Will you make a first move to-day to perform that great work? I want you to form branches of the Land League throughout your county, and if you do and work determinedly, you will be sure to win a victory. I will not say more now, I will address you again (cheers)."

Now turn to page 5, the next page, and you will see there at the 5th line from the top the resolution that was passed?—Yes.

It commences, "That we the tenant-farmers"—read that?

(*Witness* reads):—That we, the tenant-farmers of Kerry, pledge ourselves not to take a farm from which any tenant is evicted or which has been surrendered from an unjust rent."

Did Mr. John Heffernan, second that resolution?—Yes.

Begin at line 5, or rather begin at the first of the speech, and read a few lines from it?

(*Witness* reads):—"Fellow countrymen, we are assembled here to-day to enter our protest against the infamous land system you live and labour under, and the cause of all your famine and emigration."

Now go on to line 28, same page?

(*Witness* reads):—"That movement has worked its way on to this, and find it to-day for the second time in Kerry. The movement was inaugurated in this county a short time since, in Beaufort (cheers). The landlords are trembling in their boots, I tell you. The landlords say that five millions of people are too many for them. (A voice.—'What about Bland'?)"

Did Mr. Sullivan speak again the same day?—Yes.

Turn to page 7, line 19—"Will you really and truly?" (*Witness* reads):—"Will you really and truly determine to-day to band yourselves as one man? Will you above all go home determined never to take a farm from which another is evicted, and never to work on that farm. If the crops are to be saved, let the landlord or the landlady go and work on it, and if they don't wish to work on it, let the crops rot (cheers). Or give it back to the rightful owners (cheers)."

Now go to line 31, same page? (*Witness* reads):—"In France the people were like what you are now. Never knowing the luxury of a meal of food, never eating meat for the six days of the week. But the people at last rose *en masse*, and they asked their noble lords to right their wrongs, which they would not do, and the people hunted them out of the country (cheers). I would be sorry that you should do that to your landlords, but I say to-day, no matter what the result will be, landlordism must go (cheers). I have very great pleasure in proposing a vote of thanks to our chairman (cheers)."

That is the end of the speech?—Yes.

Cross-examined by Mr. *Adams*.

Look at page 3, line 11.

Mr. *Porter*.—Wait a moment. Mr. Heffernan made another speech?—Yes.

Turn to page 8, and read from where he says—"I have great pleasure in seconding this vote of thanks?"—(*Witness* reads.)—"I have very great pleasure in seconding this vote of thanks; and in doing so I must refer to what our friend, Mr. O'Sullivan, said of France when he said that the landlords were hunted out of France. But I say that the landlords were hunted out by hanging them on the next post. But my friends we are not going to do this, nor shall you, for we prefer to settle this question as peaceably and as constitutionally as we can. We purpose giving them twenty years' purchase, and then let them go in peace. Some may call it confiscation and robbery, but I want to know who the robbers are. They are the landlords. When you turned the hill sides into good land, the landlord comes and puts a rent on it, and charges you for your labour. Is not that robbery? The landlord did not cultivate it, but he raised the rent on you, therefore he is a robber. At least I call that robbery. (Cheers.) Only for yourselves you would not have a landlord in Ireland to-day, but you would have him in his proper place carrying a rifle for the Government, or earning his bread by honest work. (Cheers.) And not having you supporting him. Well, all your earnings are gone to support the landlords in the gambling hells on the Continent, in Paris, London, and in Germany, while we, the poor people of Ireland, are starving as we are here in Killorglin. (Cheers.) I feel very great pleasure in seconding this vote of thanks to our chairman. (Cheers.)"

Cross-examined by Mr. *Adams*.

Look at page 3, line 11?—(*Witness* reads)—"But the people have determined to put an end to that house."

Will you swear that you did not lose a sentence immediately after the words, "that house?"—I don't think so.

Will you swear that Mr. O'Sullivan did not say there, "That the people have determined to put an end to that house being aided by Mr. Bright, who is a Cabinet Minister, and who is also the sworn foe of the House of Lords?"—He may have said part of that, but not the whole of it.

Did he say anything about Bright?—He might.

Is he one of the traversers?—(No answer.)

Look at line 37, page 3, beginning with the words, "A remedy has been held up to you?"—(*Witness* reads.)—"A remedy has been held up to you by the English House of Lords, and that remedy is emigration. There is scarcely a beautiful hill throughout the country that I have not trod on; there is not a people of any manliness that I have not seen;

and I have never seen braver men than Irishmen, nor have I ever seen any women purer or more virtuous than Irishwomen (cheers). And I say to you here to-day, don't emigrate, stick to your homes. These lands were rendered fertile by the sweat of your brow, you have acquired them by your honest toil, and they should be yours. You are required to pay rent for these farms, pay a fair rent, and give the landlord his due if you are able."

Now go back to Mr. Heffernan's first speech, page 5, line 8, and read from the words, "In conversation with your parish priest?"—(*Witness* reads.)—"In conversation with your parish priest here to-day I learned that during last winter over four thousand persons were saved from death from starvation by the aid given by the charitable world. I ask you, what did you get from the landlords? ('Nothing.') Nothing but these periodical famines."

Look at line 28, "The people of Mayo?"—(*Witness* reads.)—"The people of Mayo began this land war on the ruins of Michael Davitt's father's home."

Look at line 23, next page?—(*Witness* reads).—"I hold in my hand statistics which I received this morning, and they tell an evil tale, they show that the people of Ireland are steeped in poverty. Thirty thousand dairy cows have been sold to pay the rents. We find a falling off of fifty thousand in dry stock, and all have gone to pay the rents. (A Voice—'What about Magillicuddy'?) It is all the same. The same things over again as in '46 and '47, the unfortunate people sold all they had to pay the rents, and afterwards driven out by the Crowbar Brigade (groans).

Mr. *O'Sullivan* said something about *en masse* in his second speech—did he?—He did.

That is the gathering cry of the Land League in the south. What position did you occupy at this meeting?—The speakers spoke out of a window, and I was right under it.

Was there also a Leaguer there with a drum?—Not that I saw. He was away some distance from us.

Was he playing the drum during the speeches?—Not that I am aware of.

He didn't 'vocalise' the speech with the drum then?—No answer.

Cross-examined by Mr. *Sullivan.*

Was this a solo that was played on the drum?—I am not a musician, and I don't know much about it.

How do you know that Mr. Heffernan and Mr. O'Sullivan, spoke out of the window?—I saw them.

You were immediately under the window?—Yes, on the footpath.

Did you turn and look up at them—you had your back to them?—Yes, part of the time.

Upon the occasion that you reported with your back to the speakers was there anything in the speeches to suggest that you could report better with your back to them?—No.

Well, why did you turn your back to them?—Because sometimes I could hear better with my back to them.

Mr. *M'Laughlin.*—Yes; if you had stood on your head.

Mr. *Porter.*—Was there any difficulty in hearing what was said?—Sometimes I had difficulty.

Were you present at the Land League meeting at Kildare on the 15th August last?—Yes.

Mr. Dillon and Mr. Boyton were present at that meeting?—Yes.

Were there any bands and banners present that day?—Yes.

Tell me what the banners were?—There was a large one, the stars and stripes, at the platform, and through the stars I saw the words "Lead them on." In front of the platform there was a large green banner on which were the words, in white and blue and green, "The land for the people." Then there was the word "Kildare." In golden letters, in the centre, I saw the name "Parnell," and in white letters at the bottom the word "Victory." Across the top of the platform there were twelve small three-cornered flags of different colours. There were some papers on the front of the platform on which were the words, "Hold the harvest," and "God save Ireland," "Down with landlordism," "Down with land-grabbers," and there was hanging on a notice-paper the Archbishop of Cashel's letter.

Now, turn to Mr. Dillon's speech on page 5, and commence at the words, "Men of Kildare." (*Witness* reads.)—"Men of Kildare, it gives me greater pleasure than I can tell you of to see you assembled in such numbers as will strike fear into the men who dream of turning a Kildare man out of his farm. It gives me pleasure to see you assembled here to-day, and to know that you will take the reforming of the land if the House of Commons refuse to do it. (Cheers.) I would warn you not to put your trust in either the English House of Commons or in the Royal Commission of which your chairman spoke. Out of that Commission no good will come, because it is composed of the enemies of the people—the Irish landlords whom the people threw out of their seats. (Cheers.) I tell the farmers of Ireland not to go to No. 5, Ely-place, and any man who goes into that place is a man in whom the farmers of Ireland ought to put no trust. (Cheers.) If the Government wanted true information about the people, their feelings and their wants, let them appoint a Commission not composed of such men as Kavanagh of Borris. (Groans.) The O'Conor Don, who was hunted out of Roscommon, Lord Bessborough, and Baron Dowse, with the money of the Government in his pocket, whose business it would be to give a verdict against the people. I warn the people—and I am glad to see you here to-day—that it is not from Ely-place you will get your rights. Until you prove to the landlords that you will have your rights, and that you will settle them yourselves, you will not get anything (cheers). The people ought to go to the Government and get their rights. First of all, the immediate object is to put a stop to rack-rents; every man in Kildare shall pay it no more. Secondly, we must insist that no man nor woman shall be put out of his or her farm. No evictions shall be in Kildare. Third, no arrears of rent shall be levied in Kildare. The country is emerging out of a grave crisis, and there is no use in a good season if you will not be in a good position to take advantage of it. If you pay rent and arrears of rent this year, then the good harvest will go to the landlords. Therefore this year there shall be no arrears of rent paid (cheers). A great deal has been said about the House of Lords having rejected the Compensation for Disturbance Bill, but I assert that the Irish people ought to be thankful to the House of Lords if they only knew how to take advantage of them (cheers)."

Go now to line 45—"Because they don't band themselves together?"—(*Witness* reads)—"Because they don't band themselves together and organize. If you want to put down landlordism, and put an end to the insolence of the bailiff and landlord, you will do so by organization; and you will show that when he strikes one of you you will be ready to inflict a deeper punishment on him (loud cheers) (At

this point the Naas contingent arrived, the band playing; when silence was again restored, Mr. Dillon continued):—"My friends, that looks like a good beginning. What I was going to say to you is this: If the people desire to put down landlordism, the only road to this is to have an organization in the country, that every farmer shall belong to a branch of the Land League that exists throughout the country, that all the young men shall be prepared to march to the meetings, and in proper order too. And when we have that organization perfected, let the word go out that no farm from which any man has been evicted shall be touched or used until the rightful owner shall be put back again (cheers). In the county of Mayo, where the organization is pretty strong, we have many a farm lying idle, from which no rent can be drawn, and there they shall lie; and if the landlord shall put cattle on them, the cattle won't prosper very much. You must teach the landlords that if they evict tenants they will not be the richer, but the poorer; and if any man that comes and takes the farm from which a tenant is evicted, show him in a hundred ways that it would be better for him not to have taken it (cheers; a voice—'Give him the ball'), without raising a finger to harm him. All your meetings will be useless unless they are followed by work—unless you work at home by organization in every townland. We ask of you in every townland two men who are not afraid of any man. Give each of these a book with the names of every man in that townland. They will go round to all these men and ask everyone of them to join the Land League; and in this way every man who refuses is known to turn his back upon the people. I believe that every nine out of ten will join (cheers). When any man gets into difficulties the Land League helps him, and if he is turned out the Land League will assist him. These organizers shall report to the branch of the Land League how many men they can march to the meetings, and they shall be able to march to these meetings like a regiment of soldiers. There will be more effect in 200 young men marching to a meeting under the command of their leaders than in twenty speeches. Let us then gather together the Leagues of the country and march them to the meetings, and I am sure it will stay the landlords before they put you out (cheers.) This is the work we lay out for the League this autumn, because it is in its infancy. And I will tell you what the League will do if the landlords refuse to do justice to the people. When we have enrolled 300,000 Irishmen as members of the League, if the landlords insist on not doing justice to the people, we will give out the word to strike out against rent entirely, and pay no more until justice is done to them (cheers.) With 300,000 people enrolled in the Land League no rent can be enforced in this country, even by all the armies of England (cheers.) How was it that you got free from the tithes? The people refused to pay it, except at the bayonet's point, and the people rose *en masse* and refused to pay it (cheers.) (Here a person in the crowd made some remark, which was met with cries and shouts of 'Put him out from the platform.' The people were putting him outside the crowd, when Mr. Boyton shouted out very excitedly: 'Now where are all these police who should be doing their duty?') It would be far better for them to listen to counsels of moderation. It would be better for them to make terms with us now. It may be possible that when we have 300,000 Irishmen in the Land League that we will ask harder terms from the landlords (cheers.) I could tell the noble lords whom I heard the other night denouncing the 'irresponsible Celtic agitators' that, much as they disliked the Compensation for Disturbance Bill, before another year goes by they will find themselves compelled to accept a

Bill they will dislike much more. The conclusion that we come to to-day is that we resolve to adopt the principles of the Land League: 'The land for the people.' I believe that what the Irish people want is to have the land their own. If any farmer prefers fixity of tenure, he can have it. But I claim that the people of Ireland shall have the right to make the land their own. The rights of the people are to be won by the exertions of the people themselves (cheers.) We, your representatives, have good duties to perform in Parliament, and we cannot do those duties and get justice for Ireland unless you fight for it yourselves. We can paralyse the hands of the Government, we can prevent them passing coercive laws that would throw you into prison for organizing yourselves. We can tell you, the people, to drill yourselves and organize yourselves, and we can take it out of the power of the police to arrest every man found out after eight o'clock at night (cheers.) We in Parliament can see that Irishmen have a right to be out after eight o'clock, or all night if they like. We will see that they have a right to march to meetings and obey the commands of their leaders, if they choose to do so. We shall see that every man in Ireland shall have a rifle if he likes (cheers.) All I will say is that if the manhood of Ireland is not enough when you have your rights to win your freedom and put down landlordism, then I shall be ashamed to call myself an Irishman (cheers.) Let the people of Kildare show during the coming autumn that neither dukes nor marquises nor any other lords can terrorise you or intimidate the manhood of Ireland. Great cheering.)"

That is the end of the speech?—Yes.

Turn to the speech of Mr. Michael Boyton, at page 8, and read a few sentences from the first of it? (*Witness* reads)—"Men of my native county, I think this meeting here to-day is a significant answer to the men who would have obstructed it and made it a gathering of Whigs. My business here is not for speaking, but it is that of organization (cheers.) I have returned from Tipperary, the county so worthily represented by the son of John Dillon (cheers.) I have spent three weeks organizing around the base of Slievenamon, and I come to Kildare commissioned by the Irish National Land League to organize the county in which I was born. There have been more words of mine before the public lately than I should wish, for I don't believe in words but in acts. But while I recognise the talk at meetings like this to put the people right, I also recognise that unless that speaking is followed by work it is all useless. If speechmaking would have bettered your condition you would not be to-day assembled in your thousands to listen to spouting (cheers.) My business is to organize, and I shall tell the men of Kildare and their enemies what the hand of the organization is to attain—it is to go hand-in-hand with the men of Mayo (cheers.) I hold in my hand a card on which are imprinted the principles of the Land League. I will read them for you. They are a speech that this meeting should learn to know, and not spend your enthusiasm in cheering me (cheers.) The principles on this card which I hold in my hand will be upheld by every true, honest, and manly young Irishman in this country (cheers.")

Had he a card in his hand then?—I don't know.

Turn to page 9, line 25—"They come to Abbey-street"?—(*Witness* reads)—"They come to Abbey-street for that justice which they should get from their landlords, for what they get is but a mockery (cheers). In my own experience, for I am in charge of this county, we have eighty-three branches of the Land League in the country, and we have

advised all these how they will act. Now, will you take the advice of your member and go up to Ely-place and ask for justice from Kavanagh of Borris (groans). Don't groan that man, for God has given him what I wish he had given many other men—a brain. I like him because he is an open foe. I would sooner stand to-morrow on every cross-road in the county and advocate the return of Kavanagh of Borris to represent Kildare, than I would our pretended friend, Meldon. The day is gone when that trimming weakening policy can do no good for Ireland. What did you ever gain by the growling application of these men? What gave you the miserably patched and worked-up Act of 1870? You see by the resolutions of these men that you must be careful of your language, and that you are not leading the people astray. We don't believe in leaders. We lead the people nowhere. You must be leaders yourselves (cheers)."

The Court here adjourned for lunch.

On resuming after luncheon—

Mr. *Porter*.—You were at the Kildare meeting. Turn to page 10 line 11?

(*Witness* reads)—"What is the meaning of the language of this banner before me, 'Union is strength'? (A voice: 'Union amongst ourselves.') Right, my friend, it is union. How much have you contributed to that union? Do you wish to go on and fight your fight, and I will stand by you; therefore, I want to be no leader. I will be a leader on the fields of Virginia, but not in Ireland. I will place the objects of the Land League in your hands, and the means to adopt these objects and to gain them is by organization. For those neglecting their own interests and taking a farm from which another is ejected, or purchasing cattle or goods seized for an impossible rent, are your worst enemies. (Cheers.)"

Mr. *Porter*.—That will do.

Cross-examined by Mr. *Macdonogh*.

You told the gentlemen of the jury there were several banners?—Yes.

Did you read any banner on which the words were printed "reason and order"?—I think it is on my notes.

The words "reason and order"?—Yes.

Therefore I would wish you would communicate it to the jury. (Referring to his notes)—Yes. I find there was a banner with the words "reason and order" on it.

You mentioned before that there were some other banners?—Yes.

Kindly mention them again in order that the jury may see what your object was in not telling us about that banner that had the words "reason and order" upon it, what were these banners?—There were strips of paper pasted on the front of the platform with the words, "Hold the harvest," "God save Ireland," "Down with landlordism," "Down with land grabbers," and there was also the Bishop of Cashel's letter.

As to the banner with the words "reason and order" on it, why did you not mention that banner before?—There are other banners here that I did not mention either.

Why did you not mention this banner with the words "reason and order"?—It did not happen to catch my eye on looking over my notes.

Your eye was on one point. Did you take down the Archbishop of Cashel's letter?—No.

You did not?—No.

Was it hung up as a placard?—Yes. It was pasted on a board, and hung on the platform.

Was it placed in a remarkable position?—It was.

So as to be visible to all the people?—Yes.

I will read the Archbishop of Cashel's letter for you :—

"The Palace, 3rd August.

"MY DEAR FATHER RYAN—It is well, I think, to let the hereditary legislators of England know what we in Ireland think of their lordships' latest manifestation of hostility against us. It is also well, it is fit and proper, that Tipperary should take the initiative in the matter by sending the first note of defiance and denunciation, and, furthermore, proclaiming the people's resolve to live in the land in which they were born, and be fed, together with their families, out of the produce of the fields which they, and they alone, have tilled and toiled upon, and rendered fruitful. The husbandmen that labours, says St. Paul (2 Tim. xi. 6), must first partake of the fruits. No, says the English House of Lords, St. Paul was wrong in that, and obviously Socialistic in his teachings—(laughter)—for the rents must be paid first, however ill it may fare with the husbandman; and as certain dangerous theories to the contrary are being propounded now a-days by irreligious men, we wish by their own overwhelming vote to have it made known to them and to the empire, that even for an hour we will not part with any of the chartered privileges of our class."

Mr. Justice FITZGERALD.—You are reading a document which was read at a public meeting?

Mr. *Macdonogh*.—I am reading a document which was read at this public meeting.

Mr. Justice FITZGERALD.—I suppose it must have been read, otherwise you would not find the word "laughter" in it.

Mr. *Macdonogh*.—If the Attorney-General wishes to know to whom the laughter was to be ascribed, I will inform him presently. The letter of the Archbishop continues—"And that, consequently, our wretched Irish dependents may now as ever be mercilessly flung out by us on the roadside, because they cannot possibly manage the tax, and at the same time to pay us our rents and preserve their families from perishing. There is, besides, a grave constitutional question now at stake. That question will, no doubt, be dealt with at the proper time, and in the proper place. The great statesman, now happily convalescent, who stands at the head of her Majesty's Ministers, and whose good-will to Ireland has been abundantly made manifest, will see in due course that the voice of the people's representatives shall not be trifled with or set aside. For the rest, I feel assured that the men of Tipperary will state their views at Wednesday's meeting plainly and fairly, without bluster or exaggeration or the senseless preaching of any mischievous theories, and above all, that they will give no pledge or promise which they are not prepared at all hazards manfully to redeem.—I am, my dear Father Ryan, your very faithful servant,

"J. W. CROKE, Archbishop of Cashel."

Mr. *Macdonogh*.—That is the letter of the Archbishop which was published?—I suppose it was.

Have you a doubt, sir, it was?—No, I have no doubt.

Not even an "O'Rorke" doubt?—I have not the slightest doubt about it.

Cross-examined by Mr. *Dillon.*

Turn to Mr. Boyton's speech at page 10, and look at line 25, and you will see the words—"I say, therefore, it is your duty to bear in mind the means proposed"?—(*Witness* reads)—"I say, therefore, it is your duty to bear in mind the means proposed (cheers). The third object is 'To demand a reduction of excessive rents.' We ask you to say that the rents have gone high enough, and now they must come down. Now, I think the advice that has been given you here to-day when you were told to remember the advice of O'Connell would be time enough when we wanted it. That advice, I am sorry to say, is an insult to intelligent Irishmen of to-day. That advice has been given off every platform on which I have stood, from Donegal to Skibbereen. That is the advice of Daniel O'Connell. (A Voice.—'You're a second O'Connell'). I don't like that remark. Was it not by meetings and organization he got all for you? ('Yes, yes'). Well, to the men who attend these meetings I will say it is time enough to give you this advice when you require it. There is no intention of committing a crime against the law of God or the law of Britain; and I am the last man to ask you to do a thing I would not do myself (cheers)."

Who presided at that meeting?—Mr. Leahy, M.P.—(*Witness* reads)—"We have in Ireland the value of moral force, not what is met with on every battle-field of Europe, physical force. I remember during my experience in the American war, a war against slavery as this is to-day a war against serfdom ('right;' cheers). I remember a column of men surrounding an outpost. The leader said 'surrender.' He used no physical force, but he had 200 men behind him against seven; that was not physical force. I appeal to you now to make your enemies this force, and hearken to the words of John Dillon."

Mr. Leahy, the member for Kildare, was chairman of that meeting?—Yes.

Cross-examined by Mr. *A. M. Sullivan*, M.P.

You told us about some banners; were you instructed to take notes of the banners and emblems at this meeting?—Yes.

And did you take notes of all the banners and emblems at this meeting?—I think so.

Have you got in your note-book a record of all these banners?—I think I have.

And the inscriptions?—Yes, as well as I could; some of them were rolled up.

You were not told merely to look after the dangerous or seditious inscriptions?

The *Attorney-General.*—Don't tell your instructions, at all events.

Mr. *A. M. Sullivan.*—Are you sure there was not a round tower and wolf dog represented?—I am sure there was a round tower in the town.

You saw some banners, and an American banner with "God save Ireland" on it?—Yes.

I suppose you saw nothing dangerous in that. The banners were green?—Some of them.

May I ask you what colour is that dress you wear?—It is black, I suppose.

When did the Royal Irish take to wearing black?—I always thought the dress black.

Did you ever hear of a man being colour blind?—I might.

It is not like *en masse*?—No.

You were not able to take every sentence and you dropped some?—Yes.

Did you hear Gurney's reporters indicate that when they dropped a sentence or a word they honestly left a blank in their notes?—No, but I heard them examined.

When did you make the first transcript of your notes of that meeting?—As soon as I could.

That is very vague; it is like "the size of a piece of chalk," "as soon as you could;" was it the next day?—Three or four days after perhaps.

You sent the transcript to Dublin Castle?—Yes.

Did you tell them honestly there were sentences and sentences which you could not take?—No. I did my best, and took down what was said as well as I could.

Why did you not tell them there were sentences you could not take?—They did not expect that I could have taken all.

How did you know the Government did not know that you were able to do it thoroughly?—Because I told them so before.

Then they sent you to this meeting, knowing you could not do a report thoroughly—is that so?—I believe so.

There was a banner with "Reason and Order" on it?—Yes.

There was a banner with "God save Ireland" on it?

The *Attorney-General.*—He said there were scraps of paper pasted on the front of the platform.

Mr. *A. M. Sullivan.*—Well you saw that banner with "God save Ireland" on it?—Yes.

Did you read it?—Yes.

Did you say "Amen"?—I often say "Amen."

That is all I will ask you, Mr. O'Rorke.

Mr. *Porter.*—You were asked about these banners; just give a complete description of them?—(Witness refers to his notes.)—There was one with a round tower and wolf dog.

Was there one on the front of the platform with the words, "Reason and Order"?—Yes.

What was on the other side?—There was also, "The land for the people," "Kildare;" in golden letters in the centre, "Parnell;" in white letters at the bottom, "Victory of Right Laws;" and on the back of that was, "Reason and Order."

Did you see the band of the Monasterevan contingent there?—Yes.

Had they also a banner?—Yes.

What was on it?—A painting of "Emmet," "O'Connell," and "Lord Edward Fitzgerald," and underneath "Peace and Prosperity to our Land."

Were there in fact a number of other banners?—There were.

Mr. *Dillon.*—Did you remark any banners with the Geneva Cross on them?—Yes; they were small banners.

Mr. *Porter.*—We will now go to the Kiltullagh meeting, held on the 22nd August. Did you attend that meeting?—I did.

Was J. N. Walsh, of Balla, present?—Yes.

Were there any banners at that meeting?—There were.

Did you see anything depicted on them?—Yes. I saw mottoes.

Tell us what was on the banners?—(Refers to his notes)—In front of the platform there was a slip of white calico, on which was, in green letters, "The National Land League." "The land for the people." On a white banner was, "Kiltullagh—Is there no vengeance in your strong hearts burning—harp—though God and man, and earth and heaven ap-

peal"? On the other side—"Spread the light in the enemy's camp." "Keep up the agitation," "Ireland for the Irish"; "Killeenadeema to the front to crush the Tyrants"; "Irishmen your cause will flourish only when you do your Duty." A small green banneret on which was in yellow. "Galway to the front"; "God Save Ireland." There was a green flag with a harp in yellow, an American flag with the "Stars and Stripes." There were white banners trimmed with green. "Kilchrest—Oh, for some prophet's voice to rouse and warn—some angel's strength to strike the branch and root."

"God and justice to Thee we pray,
Behold these lines of human clay;
And rescue from their tyrant hands,
Our sons, our hopes, our homes, and lands."

Were there any banners from Killeenadeema there?—Yes, the banner I have described, and the two poles on which the banner was surmounted were pike heads.

Did Thomas Griffin propose a resolution there?—Yes.

Read the resolution?—(*Witness* reads)—"That we call upon the tenant farmers of Ireland to keep a firm grip of their crops, and to reflect that it is a higher crime against all moral law to suffer their families to starve in the midst of plenty, than to deprive their territorial masters of the means of wallowing in unrighteous luxury" (cheers).

Read a few lines of his speech?—(*Witness* reads)—"Men of Kiltulla, the land question is now resounding on every hilltop and valley of Ireland. Stick to that cause we are fighting about, stick to the cause of Parnell and Michael Davitt. Almighty God made the land for the people, and no man has a right to-day to say that the land is his."

Did you report a speech of Joseph Hooban?—Yes. (*Witness* reads)—"Fellow-countrymen, I am asked to second this resolution, and before going further I will read for you the letters we have received. (Letters of apology were then read from—Charles Stewart Parnell; Rev. Father Conway, Screen; Rev. Father O'Malley, and Rev. Father Pelly, P.P., of the parish, who was strongly opposed to the meeting, &c., &c.")

Now go to line thirty-seven, the same page?—(*Witness* reads)—"For whom did God create and make the land? (Voices—'For the people.')—For whom did he bless that land? (For the people.) Was it for that poor remnant of humanity to lord it over the necks of the people? Was it that he should waste it in the great and wicked luxury over the necks of the people? No. The earth He gave to the people and the children of men, that they might live according to those grand qualities of the soul. Thus, my friends, here is your right, This land is your right, a right and charter you have established in the minds of all right-minded men, and you are not worthy of that right unless you proclaim that that right is yours, and demand its speedy settlement (Cheers). That right is yours, and not that of the aristocrats."

Turn to the speech of Mr. John W. Walsh, at page 9, and begin at the beginning?—(*Witness* reads)—"Mr. Chairman, I have much pleasure in seconding the resolution so ably proposed by Mr. Peter Broderick. I am deputed by the Land League to be with you here to-day to assist you, for the purpose of fighting out the tenants' cause in Ireland. You have assembled here to-day for the purpose of demanding the settlement of the land question, demanding the rights which God gave you, the right to live on the soil of your birth. God made the land as he made the water. The land is yours, and no people have the right to that land

compared with your right. The land is yours, and Lord this, or Lord that has no right to that land, our Lord said, 'The earth I give to the children of men' (cheers). For whom did God make the land. Was it for a few lazy idle good-for-nothing individuals or for the many, that they might develop its resources, and increase its wealth for all. Fellow countrymen, if you wish to gain your rights you will assist us, the people of Mayo.

"Voices, 'We will.'"

"I am proud of you, and I thank you—(cheers)—for the manner in which you have received me. As a Mayo man, I thank you, and I, thank you as one who stood upon the first platform at Irishtown. I thank you, from the bottom of my heart. But I ask you here to-day, as I have from many platforms during the last twelve or eighteen months not to pay an exorbitant rent no matter what influence may be brought to bear upon you. I ask you in the name of justice and humanity to support your wives and children, and clothe them, pay the shopkeepers and every one, educate your children, and then if anything remains you may give it to the landlords (cheers). I want a pledge from you, that if anyone is mean enough to take the land from which another is evicted you will not recognize him in the public market place, or at Church on Sunday, that you will not buy from him nor sell to him, and, in fact, that you will look upon him as the enemy of his country, and that you will leave his corn uncut, and himself to wither under the people's curse. If you do that, and are true to yourselves, as your cause is a just one, you must succeed (cheers)."

Go to page 10 and read from the words, "we want you here to-day"? —(*Witness* reads)—"We want you here to-day, each and every one of you to do your duty. We want you to join the Land League. Let everyone of you enroll yourself a member of the League, and when you will get from the secretary a ticket which you will put in your hat when going to the market or fair, so that you can recognise your brother by the ticket in your hat, and in this way it will be very easy to find out who joins the Land League, and who are willing to fight the people's battles (cheers)."

"I am exceedingly sorry, as a Catholic, that your parish priest has not come here to grace this platform to-day, but instead of doing so he thought fit to say that this meeting has been got up by strangers. Well, I don't consider myself a stranger in Kiltulla (no, no), nor do any of the gentlemen whom I see around me. We are all Irishmen, and we should be brothers. Perhaps Father Pelly does not like to displease some of the lords in the neighbourhood, who hold the land under the title granted by Cromwell (groans), or Elizabeth, or the broken Treaty of Limerick. Father Pelly may think he has a right to the land, but I tell him that he has no right to the land; that the land belongs to the people; and how it can be found that any minister of the God, especially a Roman Catholic minister, or any Roman Catholic, can be got to believe that those men, holding under the title of Cromwell, can have any right to the soil is more than I can understand (cheers)."

Go to page 11, commencing with the lines 8 and 9.—(*Witness* reads) —"Beware of the land grabber, for he is worse than the landlord. Wherever you meet him look upon him with scorn. If he goes into a shop to buy goods do you go in after him and tell the shopkeeper not to sell him goods or that you will not buy goods there any more. Whenever a tenant is evicted I want the tenantry to go to the landlord and say to him, we will not pay you one penny rent until you reinstate that man (cheers). The trades unions carry out that rule, and ours is a

tenants' union, and I don't see why we should not carry it out. If you you go and tell the landlord that you will not pay one penny till he put that man in again, you will soon see that he will reinstate him. If the people refuse to cut down the corn, as they have done with a certain landlord or agent near Ballinrobe—they refused to cut his corn, and so he had to take his scythe and cut it down himself—they would soon succeed."

Now, go to page 12, line 18?—(*Witness* reads)—"The time has come when you must speak plainly, and say that you shall be no longer slaves. (Cheers). Assist us in wiping out that feudal system of landlordism root and branch."

Cross-examined by Mr. *Adams.*

Where are your shorthand notes of that meeting? Have you got them?—Yes, I have.

Let me look at them for a moment. (Book handed to counsel by witness.)

Now, is the document you have read a faithful and exact copy of these shorthand notes?—Yes.

And not a single word is omitted?—No, as far as I could compare them.

Not a single word?—(No answer.)

You have already told us, sir, that you were unable to take a verbatim report of any man's speech?—Some speeches I may take a verbatim report of.

Are you sure that you could take a verbatim report of any man's speech?—No.

But I suppose you try to take as much as you can?—Yes.

How does it happen that you, who are endeavouring to follow a speaker, and will not swear that you can take a verbatim note of any man's speech, have not an omission apparently in any sentence, have not left out a single word, and have not left a single sentence unfinished?—That may be so. I may be able to take a speaker, and take every word he says.

Supposing a man commenced a speech and spoke a sentence—you would take that down I suppose?—Yes.

Ay?—Yes.

Supposing he commenced a second sentence?—Yes.

Now you would try to take that down too?—Yes.

And supposing before you finished the second sentence he commenced the third—what would you do—would you drop the second sentence you were writing and go on with the next, or would you finish the sentence you were writing and miss the next sentence of the speaker?—At the words where he stops the sentence.

How does it happen that every line that you have read out on that table is completed, and each sentence is finished in itself, when Messrs. Gurney's men have left many blanks in their reports—how does that happen?—Because, I suppose, that the man who spoke didn't break any of his sentences.

But didn't you leave out several sentences?—That may be so.

Is there a break in a sentence of any of this speech?—There may be.

Is there?—I cannot say.

Point out any case in which there is?—I cannot.

Are they a verbatim report of what the men said?—They are an exact copy of my notes.

They are not verbatim reports?—They are not.

But if they are not verbatim reports how does it come that there is not a single break in any sentence anywhere, nor does there occur a single break in the sense?—I may have taken every word he said.

You did?—I may have.

Could you take every word now of an ordinary speaker?—Perhaps I could.

Then you swear you are a verbatim reporter?—I do not.

Don't you acknowledge you left out a sentence in Mr. Sullivan's speech?—Yes.

Very well. Let me see that book, please. (Witness hands his shorthand notes to counsel). Where were you standing at this meeting at Kiltullagh?—In the crowd.

How far were you from the platform?—Six or eight yards, I suppose.

Did you know all the people as they came forward?—No, I did not.

And how does it happen, sir, that you have every name written here. Now look at the book: "Martin Halloran, of Kiltullagh, came forward." Who told you he was Martin Halloran, of Kiltullagh?—I knew him previously.

The *Attorney-General.*—He was the chairman of the meeting?

Witness.—Yes.

Mr. *Adams.*—Then there is "Thomas Griffin, of Gurteen." Who told you he was Thomas Griffin, of Gurteen?—I didn't know him.

Who gave you the name, "Thomas Griffin, of Gurteen," which is written down there?—A police constable.

When?—Immediately after the meeting. He sent it to me the next day.

Does not that purport to be a report taken down by you there and then on the spot?—It does not.

It was touched up next day?—It was.

What was on that page—give me back the book?—There are some of those pages in which there is private matters.

I would like to see the private matter?—This has nothing to do with the report; it is only for my private information.

Now read out from your shorthand notes and report a page which you say has nothing to do with the report?—"Martin Halloran, of Kiltullagh, was the chairman; Thomas Griffin, of Gurteen, spoke next; some one whose name I did not know spoke next; Mr. Anthony Griffin spoke next; Mr. Joseph Hooban spoke next; Mr. Peter Brodrick was next; Mr. John W. Walsh, of Balla, was next; Mr. Cogevan was next; Mr. Patrick C. Kelly was next; Mr. John W. Walsh (vote of thanks) next; Mr. Thomas Griffin was next, and the chairman, responding to the vote of thanks, closed the meeting,

Now kindly give me back that note-book, please—[book handed back]. Will you point to me where Thomas Griffin's speech commences in that shorthand book?—(Book returned to witness, who pointed out the place in which the speech commenced.)

When did you write in "Thomas Griffin?"—After the meeting.

And how did you know that it was Thomas Griffin's speech commenced there?—I did not know until a police-constable told me that the next speaker to the chairman was Thomas Griffin.

Look at that page—Do you swear that that was a page of shorthand notes taken down there and then from the lips of Thomas Griffin?—I won't swear it was taken from the lips of Thomas Griffin, but from the lips of the man who I was told was Thomas Griffin.

That was taken down at the meeting?—Yes.

You swear that?—Yes.

And every sentence was taken down complete?—I don't know.

As you read it, not a word is omitted. Look at that speech of Thomas Griffin ; is there a single sentence unfinished in that speech?—I don't think there is.

When did you mark in the vowels?—After the meeting was over I put in some vowels and when transcribing it also.

Did you see any newspapers containing any of the reports of these meetings?—Yes.

Did you look at them at all?—Yes. I often read them.

You often read them ; did they assist you in transcribing your notes?—Sometimes they did.

And sometimes they didn't?—Yes.

Did you transcribe any speeches word for word from the newspapers?—No, I didn't.

Or almost word for word?—No, I did not. I never used them for that purpose.

Did you ever find a difficulty in reading any words in your shorthand notes?—Yes.

Did you leave a single blank anywhere in any of the speeches you have read?—Yes.

In your reports?—Not in these reports, when I was shown how to do it. I didn't know how to do it then.

In your transcripts of these notes, or what purport to be transcripts?—Yes.

You have written out what purport to be transcripts of these speeches—what did you do when you came to a shorthand word that you could not read?—I would look at the paper to see if it was in it in order to enable me to read it.

Then you looked at the newspaper?—Yes.

And without the newspaper you would not have been able to read the characters?—I might have struck it out.

And what, if there was no newspaper report, would you do?—I would leave the sentence out.

Then what are put in evidence are not transcripts of your notes?—They are.

You say when you came to a sentence in your shorthand which you could not read yourself, and when you had no newspaper report, you would leave that sentence out?—Yes, if I was not able to read it I would strike it out of the notes, and I would leave it out of the transcript.

Is it out of the shorthand notes?—I would leave it out of the notes—out of the transcript, I mean.

So there are passages in those shorthand notes which are not in the transcript?—There are a few.

Why didn't you tell us that before?—Because I was not asked.

Do you think that was honest?—I was not asked.

Didn't you swear that what you read from was an accurate transcript of every shorthand symbol in your book? Do you swear that?—As far as I was able to read it.

Did you say a word in answer to me about "as far as I was able to read it"?—(No answer.)

Tell me, did you take a single word that is in that book at that meeting at all?—Yes, I did.

You swear that?—Yes, I do.

On your oath?—Yes, on my oath.

What did you do with the newspapers that contained the reports?—I don't know what happened them.

Will you kindly mark in that book, during the day, all the sentences you didn't write in your report because you were not able to read the notes?—Yes.

Mr. *Adams*.—During the day, you will have plenty of time.

Re-examined by Mr. *Porter*.

Now kindly go to the meeting at Cahir on the 19th of September?—Yes.

Were you present at the Land League meeting?—Yes.

And did you report that meeting?—Yes.

Did you report the speech of Mr. Joseph Fisher, of Waterford?—Yes.

Mr. Justice FITZGERALD.—Is that the Cahir meeting?

Mr. *Porter*.—Yes, my lord. (To witness)—Turn to your notes—in the print it is page 6, line 20—"This, gentlemen, is the law of God," &c.?—(*Witness* reads.)—"This, gentlemen, is the law of God, because when He created the land He knew that the land was wanted to produce food for man. Every man wants food, and every man is entitled to food, and the food comes from the land, and, therefore, every man is entitled to the land. The landlord says you must give him a rent for that land or he will turn you out. Now there are two ideas before the people. Every man is to be made the owner of his land, his own landlord. That is what is meant by peasant proprietary. He is to live on his own farm, and no power on earth shall dispossess him (cheers). That is the first idea. But I am sorry to see that the gentleman who represents you has written a letter, in which he says: You are not to get land, but you are to hold it and pay a fair rent for it. You are to get fixity of tenure at fair rents and free sales. Well, Father Ryan tells you you must not attack or quarrell with any man, but that you are to stand shoulder to shoulder with each other, and complete your work in a satisfactory manner (cheers). Upwards of 100 years ago there was in Ulster a society called 'Hearts of Steel,' whose object was to prevent tenants competing with each other, and they were obliged to put on physical force betimes."

Now, go to page 7, line 16—"You are paying rent to these men," &c.—(*Witness* reading)—"You are paying rents to these men, and they are paying it into the committee. Gentlemen, I don't like to have our own money used against ourselves, and do you tell the landlords so, and that you will pay them no rents while they are spending them in opposition to your views; they will very soon give it up then. I am rather an old man now, but when I was a boy I lived in Limerick, and at that time there was a Major Vokes, a resident magistrate there, or as he was familiarly called, Tommy Vokes. He was examined before a Committee of the House of Lords, and he stated before that committee that the poor people could not live in Ireland unless a landlord or an agent was occasionally shot. (Cheers.) This was the opinion, then, of a resident magistrate. I am sorry to say that such things are coming to the same state, and if Tommy Vokes were living now, he should repeat the same opinion he did years ago." (Cheers.)

Now go to page 8. Did you report there a speech of Mr. Robert Bushe. Begin at line sixteen.—"Now I ask you, &c."—(*Witness* reads).—"Now I ask you how is money to be made out of the land when the labourers are paid out of that, where is the remainder? The landlord says, 'I must have the crop; I must have the rent.' But I say there is another man that comes before the landlord, and that is the

shopkeeper that gave you bread to feed you and clothes to cover you; I say that that man comes before the landlord. (Cheers.) Pay that man and then keep enough to support yourself and your family, and then if you have any left you may give it to your landlord. God made the land for the people and the landlords have depopulated it."

Now go to page 10. The speech of Mr. Boyton—at line twenty-two. "I have been asked to expound to you the doctrine of the land, &c." (*Witness* reads).—"I have been asked to expound to you the principles of the National Land League. Their broad principles are embodied in the phrase I see before me, 'The land for the people. Ireland for the Irish.'" (Cheers).

Mr. *Porter*.—That will do. Now go to the next page—page 11—at the foot of that page at the 50th line, it commences—"I say to you that there is," &c. (*Witness* reads)—"I say to you that there is nothing in this organization in which you are called to take part conflicting with any existing organization. And I say to you again Ireland needs, to achieve her place among the nations of the earth, a united army. We may want perhaps the cavalry of Repeal; we want the artillery of Home Rule; we may want the rank and file of the Land League. Ay, and who knows but we may want the engineer who is working, for we will give him the signal to fire the gun (cheers). We shall work together. When we are working apart we are doing the work of the enemy, the work of the devil (cheers). There never was a period yet when the appeal for unity has been made with such intensity and such fervour. The man to-day who is found fighting against the democracy of Ireland, that man is the enemy of the cause of Ireland. I tell you, Irishmen, that this is a revolution. It is a revolution against a vile system; it is a rebellion against injustice, and against greed (cheers). It is a war, a holy war in a just cause, and the banners that are carried at the head of our columns have been blessed by the priesthood of Ireland, by the illustrious priesthood of Tipperary (cheers). And while I pay my humble tribute to these to-day, I call upon the prelates and priests of Ireland who are standing back from the people's cause to follow the priests of Tipperary (cheers). Therefore I appeal to you, one and all, to join hands with us, give us your adhesion to our cause, stand together like men, and when your are able to achieve your social independence, we may from the rank and file of 250,000 Land Leaguers, select an Irish national guard that with the weapon of freemen slung on their arm, the rifle, that they may take the place of that organization that 100 years ago gave Ireland a glimpse of liberty (cheers)."

Cross-examined by Mr. *Adams*.

Have you got the shorthand notes of that also?—Yes.

Just produce them please. (Handed to Counsel.) Where were you standing during the meeting?—At the corner of the platform in, the crowd.

The crowd were quiet, were they not?—It was a rather rough crowd.

And noisy, I suppose?—Yes.

There was no great tumult—was there?—No.

The crowd swayed about the platform?—Yes.

A great deal, I suppose?—Yes.

Were you swept away by the crowd once or twice?—I was once.

Now take that book in your hand. (Book handed back to witness.) You were taking notes with pencil upon that book, I suppose?—Yes.

Now will you show any point at which the swaying of the meeting

caused you to stop taking notes, or caused your pencil to show the slightest tremor upon the book?—I was inside the platform between two sticks of the platform, with police outside me. The crowd did not interrupt me much at the time; but when they did interrupt me, I gave up writing.

Did not you swear you were swayed by the crowd more than once?—I did not.

Did you not swear that?—No.

But you swore you were only interrupted once, and then you gave up writing?—Yes.

Now where is that—(witness looking at book)—what is the mark you have there?—Interruption.

Did you write that out in your report of the meeting?—Well, it may be in that, I was interrupted.

Is it in the transcript—is there a single word about interruption in it?—Yes, I think so.

Show it please—let us see the book if you please for one minute?—(Book handed to counsel, who again handed it back to witness.) That book is a ruled book?—Yes.

Is not every line of the shorthand written exactly upon the ruled line?—Yes, not exactly on the line.

But as in a copy-book?—Yes.

But you swear that though you are not a verbatim reporter, that standing near the platform, swayed once by the crowd, and with persons standing round you you were able to write that shorthand exactly on the lines as it is in that book?—Yes.

You swear that?—Yes.

At the meeting?—Yes.

And you wrote upon that line?—Yes.

Were you, when writing that shorthand, elbowed at any time?—No, but the police outside me were elbowed.

But you were never elbowed?—No.

You were never in any way crushed?—I was, at the time I gave up writing; I was in such a way that I could not write.

Show me the point where you gave up writing—just show me the place in the transcript?—Is it in the print or in the manuscript.

Mr. *Porter*.—Look at page four of the chairman's speech.

Witness (reading).—"At this point of the chairman's speech the interruption referred to in his opening statement occurred. I am, therefore, unable to give more of the chairman's speech, which continued for sometime longer."

Mr. *Adams*.—Do you see the sentence which you have struck out there?—Yes.

What is that sentence?—That sentence I could not make out.

Now, do you, in any way, in that report, say "Here the Chairman spoke a sentence which I could not make out"—do not you think the man was entitled to the benefit of that, whatever it was, whether for or against him?—I dare say he was.

Read that sentence?—I could not read it.

Is not that in your own characters?—That is where I was shoved about.

Now, is there a single sign on the face of that page to show that you were shoved about at the time?—There is.

Where?—There—these two lines (indicating the place).

Kindly read this sentence that you struck out?—I could not read it.

Or a word of it?—There might be different words in it, and the word I might read, perhaps might represent another word.

Had you the newspaper report for that?—I had not.

And, therefore, the crowd interrupted you at that point?—Yes.

And you took all that down at that meeting?—Yes.

Standing up?—Yes.

Mr. *Adams.*—Well, I will ask these books to be handed up to the jury.

Mr. *Porter.*—Well, go on after that. Mr. John Heffernan spoke after the meeting?—Yes.

Mr. *Adams.*—Would your lordships allow me to see that shorthand book again. I want to see the shorthand book where this interruption took place. (To witness)—Turn to the page?—(Witness here handed book to counsel.)

Mr. *Porter.*—Now, on the same page 4——

Witness.—I wish to point out to you that a Press reporter has my book in his hand now.

The *Attorney-General.*—Oh, that won't do. You must give up that book, Mr. Adams. It is well enough for counsel to see it, but it must not be given up to Press reporters. Please give up the book, Mr. Adams.

Mr. *Adams* (giving back the book).—Oh, indeed, it is a book that ought to be kept away from Press reporters.

Mr. *Porter.*—Well, who is the next speaker after the interruption of the chairman?—I could not say. I was only told this.

Was there a speaker there whose name you were told?—There was a speaker there.

Were you able to take a line of what he said?—I was not able to take any, for I had gone away.

But when you came back?—When I came back I was told Father Ryan was the speaker.

Mr. *Porter.*—Come now to the meeting at Skibbereen, on the 26th September. This is the last meeting this witness has to depose to. Refer to the speech of Mr. John Dillon, page 6. Now, were you at the meeting at Skibbereen on the 26th September?—Yes.

Was Mr. John Dillon, one of the traversers, there?—Yes.

Did he make a speech there?—Yes.

Did you report his speech?—Yes.

Begin at the passage at the top of page 7, line 2—"Band yourselves"?—(*Witness* reads)—"Band yourselves together in one organization, whose object will be to put down landlordism. The banner which had been raised in Mayo, with the words inscribed thereon, 'Landlordism must go down,' has been adopted throughout the country, and very soon the curse of the country will go down (hear, hear)."

Now go to line 36 on the same page?—(*Witness* reads)—"The way we do in Mayo with such men is: all the tenants go together to their landlord and say, 'Here is what we consider a fair rent this year.' I say a fair rent to that man would be nothing at all. But, supposing that you are able to give him something this year, let the tenants go to him, and say, 'Here is what we are able to give you'—say the Poor Law Valuation ('too much'). If he says he won't take it, put it in your pockets, and tell him that the Land League of Dublin will try it out with him. We will go into every court in the country, and if they will evict you we will build cottages for the tenants, and we would like to see who would put you out. The agent will then come to reason before a year or two. But, before you are done with Mr.

Campion, let him reduce his rents to the Government valuation. Perhaps, next year, if the question is not satisfactorily settled, we would insist on reducing them a great deal more (cheers)."

Now go to line 21 on the same page.—(*Witness* reads)—"The way we have arranged is, that in each townland there shall be two or three men told off, and they shall have books, and they should go round and ask every man to join the League, and ask every man for his rent and valuation, and in that way we will have the best information, and we shall have union of all conditions and all men. And what I advise the farmers to do is, to pay this year the Government valuation and no more, and then insist on getting a clear receipt (a voice, "They won't do that"). Well, if they do not then let the tenants stand together and keep the rent till he gives the clear receipt, and if he does not do that, keep all, and we will fight it out with him (cheers). If you go singly he will crush you, but if you go all together what can he do? If he undertakes to evict you, let him do so if he likes, and if he attempts that he will find out that he has undertaken a very tough job, unless you, the people of Cork, are more easily dealt with than the people I represent (cheers).

"I advised at a previous meeting that the farmers should be organized, and that the people should come to meetings, and march to their meetings under command of their leaders. I said that, and I will do that always—not that I intend to go out into the fields and face the landlords or the Royal Irish Constabulary, but because I know that such demonstrations will be a mark of earnestness on the part of the people, that there is nothing which strikes the landlords with an idea of your strong determination as by obeying the commands of your leaders. I wish to see that done, because I wish to let the landlords know that if they wish to repeat this year what their fathers did in Ireland thirty years ago, the people will not submit peacefully."

Now go to line 19?—(*Witness* reads)—"The English Parliament has been your enemy ever since the day that Cromwell came over at its command. Until you are more than a match for the Irish landlords, the English Parliament will give you nothing. Until you show them that in order to get any rents at all in Ireland, they must change their laws. Arguments unsupported by passive force are as ineffectual in London as if you tried to pull down these stone walls with marbles (cheers.) I now appeal to you to act the part of men—stand together, organize, and put on a bold front, and carry out the programme of the Land League, and you will win your rights, which seventy or eighty years of talking have failed to win for you (loud cheers). I now beg to propose this resolution:—'That the present state of the land laws, is injurious to the tenants, the landlords, and the State, and needs an immediate reformation.' (Loud cheering.)"

There were a good many other speeches at that meeting?—Yes.

Was it a large meeting?—It was.

Mr. *Macdonogh*—You were asked by my learned friend to begin at page 7—"The way we do in Mayo with such men is all the tenants go together to the landlord and say, 'here is what we consider a fair rent this year.'" Now, in order to make that intelligible, I must ask you to read the context and begin—"The first case I will allude to is."—(*Witness* reads)—"The first case I will allude to is Mr. Campion's lease (groans). I have just read over one of these leases, and I have no hesitation in saying that it is a document of the most disgraceful character I ever read. This lease recalls to my mind what an American farmer said to me when talking about the reservations in Ireland. He said,

'Why, God bless you, when we have a farm here in America we own it right through to the other side of the earth.' I hope you will have the same state of things here shortly. The game that runs over your farms and the fish that swim in the rivers should be the property of the tenants, and by God's help we will make them the property of the tenants (cheers). Not content with this, however, this genius puts in a clause to deprive his tenants of any benefits accruing under the Landlord and Tenant Act of 1870, or any other Acts of Parliament amending same, or claiming any compensation in respect of his farm or otherwise. He is not content in taking all this, but he prevents them from cutting a branch from the trees, or cultivating their lands, but as he wishes. Now, how are you to deal with such a man as that?"

Well, that is where you begin for the Crown, the previous part not having been read, which explains the whole thing. Now, was there on that occasion a letter read from the Bishop of Ross?—Yes.

Signed, William Fitzgerald, September 22nd, 1880?—I did not take the letter.

You know the fact was so?—There was a letter read from Dr. Fitzgerald, Bishop of the Diocese.

Now, I will read it for you.

The *Attorney-General.*—Oh, no; you will prove it in the ordinary way, Mr. Macdonogh.

Mr. Justice FITZGERALD.—Sure there ought to be no controversy about a document of the kind. I suppose there were not two letters read.

Mr. *Macdonogh.*—I can, if necessary, give secondary evidence of it, my lord. I can examine him on that if you like.

Mr. Justice FITZGERALD.—I think you may very well let the letter be read.

Mr. *Macdonogh.*—Now, I will read it for you, and ask you was not this the letter read:—"Clonakilty, October 22nd, 1880. Gentlemen, I beg to acknowledge the receipt of your circular, in which you have asked for my approval and encouragement in seeking to effect a reform of the present iniquitous land laws, and thus check the arbitrary power placed at this moment in the hands of the owners of the soil in Ireland. In answer to this request, which you are good enough to convey in terms so respectful to the memory of the self-sacrificing and patriotic Dr. Kane, my departed uncle, and so kindly expressed words towards myself, I feel much pleasure in saying that my best and most earnest efforts will always be extended to any movement made to secure this wished for end by united and constitutional action. Necessity for an immediate and radical change in the land system of Ireland is acknowledged by the *consensus* of unbiassed opinion throughout the civilised world, and as far as I can see anyone who can operate in bringing about the long delayed and needful change by rightful and legitimate means is rendering really a permanent service, not only to Ireland, but to the empire at large. If things continue to be as they are the land system of the country must be a chronic source of misery to our country—a constant surprise if not scandal to the whole world—and of certain weakness to England itself. I am sure that in seeking to find a remedy for the actual unsatisfactory and lamentable state of things, your meeting will be marked by a cool firmness and moderation in tone and language. Anything spoken in violence or intemperately is so much lost to the cause you advocate, as it is harmful to the last degree to the interest of the tenant-farmers whom we should all seek to serve. State at your meeting the grievances

of this country firmly and fully, and with a strict regard to accuracy in dealing with their cases and their circumstances, and you may be perfectly assured of getting before the public opinion of the world a hearing which you never could secure by exasperated statements or injurious personal attacks. Trust in your calmness, intelligence, and true patriotism not to say or do in the smallest way that which the enemies of your country could take hold of, and use in argument why your rights should continue to be withheld.—I remain, gentlemen, yours very faithfully, WM. FITZGERALD."

The *Attorney-General.*—It would have more effect perhaps than Mr. Dillon's.

Mr. *Curran.*—Constable, before you go down—how long have you been in the police force?—For fourteen years.

JEREMIAH STRINGER sworn and examined by Mr. *Naish.*

Are you a constable in the Royal Irish Constabulary?—I am.

You also write shorthand?—I do.

Did you attend at Carndonagh on the 4th July, 1880?—I did.

Mr. Justice FITZGERALD.—Where is this?

Mr. *Naish.*—At Carndonagh, county Donegal.

Did Mr. Michael Boyton, one of the traversers, speak at it?—He did.

Did you take a shorthand note of the speeches made by Mr. Boyton?—I did.

Have you got those notes in Court?—I have.

Have you compared them with the print of the reports of those meetings in the print before you?—I have.

And does that print correctly represent Mr. Boyton's speech as reported by you?—Yes.

Would you turn now to page 9 in the report—have you got it?—Yes.

Take line 8, at the commencement of the paragraph—"Leaders will come in time"—read that?—(*Witness* reads):—"Leaders will come in time. Men will come to you and tell you how you may hold a grip on the land. Men will come and tell you, as I do now, and I tell you firmly stick to your crops (hear, hear, and cheers). Hold the crops that God has given you, and the seed that has come from charity, let it not go into the pocket of infamy."

Now go to line 37, commencement of a new paragraph. Read on now there.—(*Witness* reads)—"To-day every man in this assembly is a British subject, and has a right to carry on his shoulder one of those improved rifles, and a piece of steel here, if he comes and pays ten shillings, the cost of a licence. One of the rights of freemen, and the right that every man that is a freeman in England and Scotland, or Wales had, is the right to bear arms. I have it not in my power to shower little ten shilling licences among you. If I had, by the blue vault above us, they would come down like snow flakes. Do not mistake me. The reason I tell you this is, because the Government has lately consented to extend to Ireland the advantages of an Act—the right to kill ground game. The ground game has not been, so far as my reading of the Bill before Parliament, yet defined. I think it is hares and rabbits, however, that is something for yourselves. But I want you, men of Donegal, to know this, that you have a right to bear arms, to wear them, and to learn the use of them. (Cheers.) I am acting, in telling you so, under the advice of Queen's Counsel. Let those whom it may concern make the best of it. (Cheers.)"

"I wish that every young man here could take his rifle and go over to that hill-side where he could hurt nobody, and learn to aim and shoot, and by-and-by when America sends over a rifle team they need not send them back and tell them that Ireland has no riflemen, and that it is a miserable mockery and a farce to say that they have come here to beat the riflemen of Ireland. The captain of the team told me two days ago. He says:—"Why on earth would they not beat us; they have some thirty or forty millions to pick from. We have only some thirty-five or forty men, and why are we going to compete with these men when we have only some fifty or sixty men to pick our riflemen from. Now, I want to see side by side with every police barrack a good rifle club. You have a right to organize these clubs, and to purchase these rifles under the British constitution until they make any patching or tinkering of it again, and you have also the right to keep the arms, and to also keep your temper, and do not allow yourselves to be trapped by my language, or by the inflated bombast of any other man into making 'a' fool of yourselves. Do not go boasting, but go to work honestly, determinedly, like men, first to create free crops, next to keep your farms until the sheriff, backed by the soldiers, for they are not policemen (cheers), backed by the army of occupation in Ireland, and the army of occupation, as applied to these men, is the language of Isaac Butt"——

That will do for the present. Go on to page 16. Now commence at the top—"Therefore we tell you to keep a firm grip on the land?"—*Witness* (reads)—"Therefore we tell you to keep a grip on the land, keep a grip on that which comes from the land, your crops. Pay no rents, if you are not able. Pay first the man if you have any money to spare more than what enables you to fulfil your first duty, which is your duty to God and to yourselves, to feed yourselves, to clothe yourselves, feed and clothe comfortably, and house your family, and those for whom in the sight of God you are responsible (cheers). That is the first thing you will do with the product of the land. The next, pay your honest debts, look to the man and to the men who have trusted you, trusted to your honesty, trusted you to feed your family, and have discounted the future in regard to the welfare or the prosperity of the coming season. Pay every debt on earth before you pay the infamous tax called rent (cheers). The landlord has no right under God, or under the laws of these realms, to claim as first creditor. He is between God's ordinances and you; he is no creditor in my opinion, but as the law of the land holds him up, and as he is sustained by the soldiery, the bayonets, the rifles, and their buck-shot (laughter). I want you to pay everything you owe, be well clad, well fed, stand inside your own door, and if you have got anything left give it to the landlord (cheers), if you have not let him go without (cheers), and when he comes to drive your father, mother, wives, or children from the home that has been created by your hard earnings, the homes that your fathers and their fathers have had on that land, and where you have lived, and from the ungrateful soil made it produce the means of sustaining you, when he comes with his minions, for they are nothing else, he to-day in Ireland typifies the power of Britain, the land laws, and when he comes with a strong right hand by the force and might of Britain to press some poor family out of their home, assemble as you are there to-day, peaceably, and without a word, but stern and determined, like men resolved to be free."

Mr. Justice FITZGERALD.—This is the second speech, Mr. Naish?

Mr. *Naish*.—Yes, my lord. Now go down to line 41—"We have

got £20,000."—(*Witness* reads)—"We have got £20,000 to-day in the Hibernian Bank for the purpose of sustaining those who have been grossly evicted from small holdings throughout Ireland, but that money is useless; we are powerless. The power lies with you, the people (cheers)."

Come now to the next page, page 17, line 31—"Now, then, having detained you so long."—(*Witness* reads)—"Now, then, having detained you so long, I will put the business of this meeting to you. You heard this resolution read. It is in order to settle the land question. We want to unite and combine the people, and, in doing that, we want an organization which shall be effective—be thorough—and when any man goes outside that organization who has taken a public pledge, and bids for, takes, or holds a farm from which his fellow-labourer or fellow-tenant has been evicted for an unjust and unequitable rent, I say mark him down; do not do any illegal act, but do not speak to him; do not kneel near him in the chapel, and don't let any girl that has any respect for herself—(laughter)—when you meet him on the road, do not say anything, but treat him as an unclean thing. If you had that spirit to-day as it is in parts of Mayo and Queen's County, you would settle the land question in Donegal in twelve months. We want you to help yourselves. We are telling you how to-day, and therefore once more, in the most urgent manner, and from lips that will, perhaps, never speak to you again, the story of how the Americans won their liberty. Show us that you are in earnest by taking from me this resolution—'We pledge ourselves formally not to bid for, to take, to hold, or occupy any farm or holding from which a tenant has been ruthlessly evicted, and to oppose and to resist, by every lawful means in our power, the exercise of such base and unchristian tyranny on the part of the landlords.' We want you, in taking this, to form a union of the tillers of the soil. Now, if there be one man in this assembly who is base enough, mean enough, cowardly enough, and, need I say, knave, to refuse to take that pledge, let him go hide beyond the hill, and let every man who will take take it and pledge himself, let him hold up his hand with me (cheers). (Here all hands were held up. Those who did not appear inclined to hold up their hands were shouted at to do so).

Mr. *Naish*.—Read on to the end. (*Witness* reads)—"The speaker continued—I am most grateful for this tribute to the work, but your work does not end here. In the name of Charles Stewart Parnell, I proclaim the foundation of the Ennishowen branch of the Irish National Land League, and I nominate, subject to your election and approval, my esteemed friend, a man it is not necessary for me to tell you of—a man in whom I recognize a worker—Mr. Crampsey. I make him secretary to the League, and all you have to do. Mr. Crampsey, give him your names, and every land leaguer will be entitled to have sufficient funds, or lawyers to fight for him in every case of landlord injustice and tyranny, and he will, furthermore, in furtherance of the pledge taken by you to-day, have your wives and families provided for if they are evicted unjustly. That is the work of this organization. This Land League forms about the hundredth that it has been my good fortune to assist in creating within the last twelve months. I am proud of Donegal, and I thank you, in the name of that flag, and I say, by the spirit I have seen here to-day, thank God, there is hope for Ireland. (Cheers.)"

Mr. *M'Laughlin*.—This is not the first occasion upon which you have been examined as a shorthand writer belonging to the Constabulary?—No.

You have been examined often before?—No. Once before.

Where was that in?—In Sligo.

At the prosecution of Killen, Davitt, and Daly?—It was.

You are not likely to forget that? What was the name of the man who examined you?—Rea (pronounced Ree).

We call him up in the North Rea—you mean John?—Yes.

You will never forget that? Didn't he ask you something about your shorthand?—Yes.

I believe you are a better shorthand writer now than you were then; you have been improving from day to day?—Yes, I expect I am.

I believe you were a little lame in your shorthand then compared with the perfection of your movement now?—I am not aware of it.

I suppose where your shorthand was defective you amended it in the morning from the newspapers?—No, I never inserted a word from the newspapers.

Did you use them for any purpose?—Never, not even for correction.

That is saying a great deal?—Except a resolution—that was the only thing I did use.

Of course, what happened to any other shorthand writer never happened to you. Were you in court when Constable O'Rorke was examined?—No.

Do you know his Christian name?—Thomas.

Have you ever been unable to read your shorthand notes?—Yes. I have met difficult shorthand that I could not read.

Written by yourself?—Yes.

What was the reason of that?—Because it was so difficult.

To read your own handwriting?—Yes, sometimes.

What would you do then with the words you could not read?—I would say here it was so unintelligible I could not decipher it.

Now, what was the last time you boggled at reading. Do you read the *Freeman's Journal* every morning?—Yes, I do.

And the *Express*, I suppose?—Rarely.

Well you need not be supercilious about it. The *Freeman's* reports you think are the fullest. Now, you are thinking what the effect of that answer will be—doesn't the *Freeman* give the longest reports?—Yes.

When did you first take notes?—About eleven years ago.

When first in connexion with this business?—About five years.

I mean the evidence you are giving here to-day?—On last July.

Well, I will take the five years; it is not right to trap you. When you saw the *Freeman's Journal* the next morning, were you not distrustful of yourself as most shorthand writers are at the beginning, till they get past the "staggering bob" state?—No.

What have you looked at the *Freeman* for?—For curiosity.

Now, do you swear you only looked at it for curiosity—was it not to compare your notes with the reports?—No; I very rarely read the reports of my speeches made at those land meetings.

Did you admit to Mr. Rea that you had utilized the newspapers for the purpose of correction?—I did not admit that.

What did you admit?—I did not admit anything of the sort.

How many people spoke at this meeting?—Nearly a thousand.

Do you know what you are talking about?—I thought you said "at."

Well, "spoke" doesn't sound much like "at" except in shorthand. Now, have you been purchasing some back copies of the *Freeman's Journal*?—Yes; I purchased one back copy.

What meeting was contained in that?—There was no meeting.

What did you purchase it for?—I bought it for a private purpose.

What was that private purpose?—I bought it for the purpose of seeing whether a quotation to which Mr. Boyton referred was properly punctuated in this print.

Now, is that what you mean by a "private" purpose?—It had nothing to do with this meeting.

Now, didn't you think by that answer to throw us off the scent?—No, certainly not.

You reported the whole of Mr. Boyton's speech?—I did.

He seems to be a good speaker?—Yes, he is a very good speaker.

He goes strong, I believe?—Well, I have heard quicker speakers.

And slower speakers?—And slower speakers.

Will you turn to page 7, line 24—do you see that?—I do.

Well, take line 19 where the paragraph begins "Therefore, Irishmen in striking to-day"—proceed with that. There are only a few words?

Witness (reads):—"Therefore, Irishmen, in striking to-day constitutionally at the system of Irish landlordism, you are striking at the greatest weapon that has ever been held in the hand of that power, that if there be a just God—and we are told there is a limit even to God's justice—will so surely reap the harvest, in this ill-fated unhappy island, that they have sowed. We are teaching you to stand together within the law, for you are powerless to do anything else. We are teaching you to know your rights as British subjects. We want to tell you what you can do if you will stand together like men, nobly, manfully, and honestly (cheers). If you knew a tenth of the power which you possess under the laws of this land, you would be a different race of men in twelve months, but you don't."

Now go to page eight, line forty-four, which begins "Do no crime"?—(*Witness* reads)—"Do no crime, for to-day while we hold that by steel and fire alone can liberty be achieved, we hold it too that the man who commits a crime gives strength to the enemies of his country (cheers). Therefore, I ask you men, and here in the north you are credited with good sound common sense, with firmness and resolution—therefore, I ask you men of the north to-day, when the war-cry against landlordism resounds from the hills of Donegal, that you will be quite patient, quite peaceable, resolved firmly shoulder to shoulder to do the work that is pointed out for you to do (cheers.")

This was not the first time you were in the north, when you attended at Innishowen?—No.

You belong to the north yourself?—No, I do not.

Mr. *Naish.*—Take the report of the meeting at Clooneen, on the 1st August. You attended that meeting also?—I did.

Mr. Boyton, one of the traversers, spoke at it?—Yes.

You reported his speech?—I did.

Have you got a correct report of it in print before you as taken from your shorthand notes?—I have.

Go now to page 7, line 44—read on now?—(*Witness* reads.)—"Therefore I tell you again, we are beginning at the beginning. We are beginning to try to educate the Irish people into the knowledge of rights, into the knowledge of their strength, and into the knowledge of their power; for they have a power, if they would exercise it, that would cranch this miserable system in 24 hours. To come home to the direct object of this assemblage is this. There have been rumours in the air that there are men wanting to take or desirous of taking the land of Henry Meagher. It matters not who or what they be. I tell these men here to-day and I desire them to mark it, the people of Ireland, at least so much of them

as we can command under this national organization, and so much of the funds of their brothers in America as they can command, have through their council sent you. Men of Tipperary, you in the gap, you are in the gap. Upon how you hold that gap now depends on the future,—the land question in this county. (A voice: 'It will never be lost.') We have given you a bit of work to do. We are at your back with the people of the Land League throughout Ireland. We are coming to see with our help what you will do to fight for yourselves, for in holding that land you are asserting a principle, you are deliberately showing the landlord the power you have to crush his interests, the only thing that he ever consults in Ireland. It was said of these landlords, and when all is said and done they are only a handful, some five or six thousand, some one in every six hundred of the people; and surely, granted that there are 500 men, and these all cowards, if we got only one to every landlord, it ought to be enough to settle the land question, provided always, as the lawyer says, that you mean business, and that you are united."

That is enough for the present. Come on to line 33.

"I myself will be the last one to interfere with the free expression of any man's right, or his belief or opinion on the settlement of the land question; but for the present I wish once for all to tell you what we have to-day in view. It is a peasant proprietary; and, failing that, we vow that the land of Ireland shall become just like that farm must become, if you are faithful to your vow, a wilderness. If they do not give us the land for the people, why then give the land to the game, but they will never get it. (Cheers.) I have talked more than I would have done under other circumstances. There are gentlemen here who know the immediate circumstances of this place, that know the parties, that there has been, as I have said before, rumours that they were looking to spit in the people's faces. Let them to-day take a word of warning, for I tell them that there is something round they do not think about. (Cheers.) You can tell them it is not in cheering or in meetings that the firm determination of a resolute manhood is ever carried out. It is in exercising quiet and peaceful methods; but the moment the spark is struck, then they had wished that they had thought before they had provoked it. Once for all, a word of warning is never wasted. (A voice in the crowd cried 'Never.') And I tell these men, and I tell them most truly, it would be better for them they had never been born than that they attempted by foul means to defeat the resolution of the people of Tipperary. (Cheers.) I could not add one word to what I have said. I say now that we are going, your worthy junior member and myself, to organize the county Tipperary, and that those who to-day wish us to strengthen their hands in the settlement of the land question know what the meaning of an organized Tipperary is. (Cheers.) They will know when we have twenty or thirty thousand men to say, 'We will hold the land.'" A voice in the crowd, 'It will be.') Mr. Boyton, "Go on, and if you want to fight it out, it will take thousands of the police and regiments of soldiers to serve a single process of ejectment in the county Tipperary (cheers); and all that without ever firing a shot, unless we are provoked and have the means to do it, we must always have the means. But while we are waiting for that, we want the men of Tipperary, the men,—let the old women stand aside—and come up resolutely, earnestly, fearlessly, and manfully, and give their names to such young men as Mr. Cusack, and men who will be appointed secretaries. (Cheers for Mr. Cusack.) Give him your name, and as you have received his name so warmly I may perhaps

tell you that the secretary of the Sleevenamon Land League,—that is the name which they have given it,—it takes in all the branches that will be established within the immediate vicinity,—that he is a young man that has the confidence of the Irish National Land League (cheers), no less than has the worthy President, and the Presidents of the branches already formed and in process of formation; and my mission to Tipperary is to visit every centre in this county, and to organize a branch of the Land League, and I have got three weeks; and out of this county I will never go until twenty-five branches have been established. And as we commenced with the clouds, and now we have the sun, shining, so the mass of the people shall be with this movement, which will be auspicious for a just and holy cause, the cause of Ireland for the Irish. (Cheers.)"

Mr. *Dillon*.—Now go to page 8, line 20.—"The object that is in view at the present time may be a long way ahead of us. It is to plant the Irish people in their native land in the form of a peasant proprietary. (Cheers.) We of the Irish Land League have no fault and no objection to find to any man who comes up here and advocates a different means of settling this land question, but we do emphatically say that a peasant proprietary must be the only and the final solution of it. Let them to-day give us fixity of tenure, which some of us believe is fixity of landlordism; let them give us free sale and fair rents. No man to-day in Ireland could define, and no number of men could ever be found to define, what is a fair rent, and what is not. Therefore, we aim at the root, and we are not going to be thrust aside by gentlemen who think that we are going too far."

Who was the chairman at that meeting?—The Rev. Father Meagher.

I believe he is parish priest of Cloneen?—He is parish priest of Drangan.

How long have you been shorthand writing at these meetings?—Since July, 1879.

Where did you begin?—At Skehannah.

Of course you went there under instructions from the authorities?—Yes.

How did they happen to know you were a shorthand writer?—They knew from the sub-inspector.

Had you been supplying any kind of shorthand reports before that?—I had.

Of public meetings?—Yes.

Political meetings?—Yes.

What were they?—They were meetings addressed by members of Parliament on one occasion.

When did you begin that work?—Some five years hence.

Then you had been sending privately shorthand reports of political meetings to the Government for five years past—isn't that so?—Yes.

Did you accompany your shorthand reports of the meetings with any other reports?—No, merely transcripts of my notes.

Nothing as to the character of the meeting?—No.

The *Attorney-General*.—Five years ago is a very long time.

Mr. *Sullivan*.—Well, if the Government have been for five years receiving these reports, and doing nothing, I think I may ask the question.

The *Attorney-General*.—I am not stopping you.

Mr. *Sullivan*.—Were you ever connected with the press?—Never. When I say that I believe I subject myself to a penalty under the regulations of the force.

I will not ask you then. I don't want to put you to any difficulty of that kind. Well, you tell me you represented yourself as being a representative of a newspaper at one of these meetings?—I did, when one of the meetings was over.

Did you say you were the representative of the *Tipperary Advocate?*—I did, in the hotel, when the meeting was over.

Was that falsehood or truth?—It was not the truth.

Then I may take it as a falsehood?—Yes, certainly; but I must be allowed to explain.

Certainly. You may explain.

Mr. Justice FITZGERALD.—If you wish to offer an explanation of anything you may do so.

(*Witness*).—A great deal of imputation has been cast on my character in consequence of the reply I made to Mr. Rea or Mr. Louden, who cross-examined me at Sligo, as to my giving that name. I was not allowed to give any explanation then, and I wish to make an explanation now. I told Mr. Davitt, when he came down, that Mr. Louden told me he would give me a copy of the resolutions, and that I told him I would take them from him at the hotel. I went to the hotel, and I saw the waiter, and he was a very pugnacious waiter too. I asked him to go upstairs to Mr. Louden to come down, and give me the copy of the resolutions which he had promised, but instead of Mr. Louden coming down, the waiter brought me into a room, the door of which he closed, using some threats to me about Dublin Castle. Some persons in the crowd said, "he" is a detective. I believe I was under the impression that he locked the door, and instead of Mr. Louden, Mr. Davitt and Mr. Nally came down. It was the first time I had seen Mr. Nally. I was apprehensive of personal violence then if I had told who I was, and the cries of "he is a detective," coupled with the fact about Dublin Castle, made me apprehensive of personal violence. I then told Mr. Davitt that I represented this as I did not want the people to know me. If I had known Mr. Davitt, as I know him now, I would have known that he would not have done anything dishonourable, and that I was perfectly safe. I told him who I was afterwards without any equivocation. I wish to make that explanation.

Mr. *Sullivan.*—Anything more to add by way of explanation?—No.

Having given us that explanation, I wish to ask you did you make that statement before the meeting?—No, I did not.

Was it after the meeting?—Yes.

Were you afraid of violence?—I was.

Were you on duty as a constable?—No, as a reporter.

Were you in the service of the Queen?—I was.

And receiving her pay?—I was.

Are you afraid of dying if necessary in her service?—No answer.

Well, you have told us you told a lie in the service of the Queen, because you thought you might be hurt if you did not—was that your motive?—Certainly.

Did you meet Mr. Patrick Egan at any of these meetings?—I saw him once.

Did you say to him or anyone else you were a Press reporter before the meeting began?—Oh, certainly not. When I met Mr. Egan he knew perfectly well who I was.

Did he offer you every service, and protect you at these meetings?—Yes, he did.

Do you know the *Tipperary Advocate*?—No, I don't.

What put that into your mind?—It was the first paper that came into my mind.

Then you have read it?—No, I knew Mr. Gill.

Were you at the Shrule meeting?—I was.

Where were you when you were reporting?—I was on the platform; that is two years hence.

Had you any trouble in getting on the platform?—Not the least.

Your application was at once attended to?—I did not apply at all.

You merely went on?—I merely went on.

Did you say at the Shrule meeting that you came as a representative of the Press?—I did not.

To anybody there?—No, except what I said at the hotel.

Do you know what politics your friend of the *Tipperary Advocate* is?

Mr. Justice FITZGERALD.—I don't think you need answer that.

Mr. *Sullivan*.—I only wanted to know what object he had in mentioning that paper. (To witness)—Your sole reason for representing yourself as belonging to the Press, I understand, was that you feared personal violence?—Yes; that was my sole reason.

That will do. May I ask him one more question, my lord.

Mr. Justice FITZGERALD.—Certainly.

Mr. *Sullivan* (to witness).—Who were in the room?—Mr. Nally, Mr. Davitt, and Mr. Malley.

Mr. *Curran*.—You say that Mr. Nally came down the stairs with Mr. Davitt?—Yes.

Has Mr. Nally not been the means of frequently procuring you places on the platforms at these meetings?—Certainly, he has.

Mr. *Naish*.—Did you take the report of the Mullinahone meeting?—Yes.

Mullinahone, Tipperary, held, I believe, on the 8th August?—Yes.

Mr. Boyton attended at that?—Yes.

And made three speeches?—He did.

Turn to page 8, take line 3, beginning "Men of Tipperary," and read?—(*Witness* reads)—"Men of Tipperary, we have met before, and will again. (Cheers.) I acknowledge the honour which the Slievenamon Land League has conferred upon me in putting me forward to propose one of the most significant resolutions that has yet been proposed in the land war. (Cheers.) In proposing this resolution we are to-day firing red hot shot into the very heart of the enemy. (Cheers.)"

(A voice, "We want no powder.")

Mr. Boyton continued to say—"It is well and fitting that such shot should be fired from the base of Slievenamon. (Cheers.) Listen to it, for before the sun sets to-morrow evening the re-echoes of that will be heard on the floor of St. James's and elsewhere. (Cheers.)"

Read the resolution?—Resolved—"That this gathering of the independent manhood of Tipperary indignantly repudiates the monstrous assumption of an assemblage, whose position, created by the accident of birth, enables them to insult and defy the will of the people. Such a course has hastened inevitably the annihilation of the House of Lords, and Tipperary to-day avows to the world its firm determination henceforth and for ever to acknowledge no lord but God, who created the earth for the children of men, and not for any class or caste."

Go on to page 9 now—line 33 beginning, "The lesson should bear this fruit." (*Witness* reads)—"The lesson should bear this fruit, let the men who are to-day urging upon us fair rents, fixity of tenure, and other methods of compromise; let them take warning by the lesson they have found that there is no compromise, for we have not asked already for the fiftieth part of what we are entitled to by just reason, and yet your request has

been flung insultingly in your face. We have commenced a movement to free the soil of Ireland, the land that bore you. You know that it is yours by the law of God and justice, who gave it to you. If you want it you will have to unite, to organize, and to show these landlords what they seem to be ignorant of, the power of the people. (Cheers.) It is said that when leeches leave off sucking they die. The bloody leeches that have drawn the moral life, the prosperity, the commerce, and emptied the homes of this broad land, they must be taught that it is time to leave off sucking. (Cheers.) The only way in which we can accomplish that is by combination, as pointed out to you to-day, for the purpose of letting them know distinctly that any rent at all is better than no rent, and that if they do not listen to justice they will get perhaps nothing at all. (Cheers.) Had we our object accomplished to-day in the thirty-two counties of Ireland, and had we thirty-two councils, and the president of each of these councils sitting in a National Council in Dublin, we might be enabled to send out to the Land Leagues the words 'when your landlord or his tool or minion comes to you for rent tender him the Government valuation. If he refuses that let him wait till he gets any more.' (Cheers.)"

That will do for the present. Go on to page 12. Was there a resolution proposed by Mr. Thomas Kickham?—There was.

Read the resolution?—(*Witness* reads)—"That a branch of the Land League be established in Mullinahone. Men of Slievnamon, and when I say Slievnamon I bring you all within the reach of addressing you, for we have the priest here, and we have our people and ourselves here, and what do we care about anybody else? This resolution should have a farmer using the words that are written here. I am no farmer. We look upon the Irish National Land League as having raised the standard round which the people of Ireland have been called on to rally; and we pledge ourselves to organize ourselves, and we pledge ourselves never to take a farm from which a farmer has been evicted."

That is enough. Mr. Boyton made a second speech at that meeting? —He did.

Go to page 13, at line 13, and read "On the 6th June last"?—(*Witness* reads)—"On the 6th of June last, that vow was taken by twenty thousand people, and I am glad that vow has been kept. It was that the land of Kilbury should never pass away from the rightful owners. In the face of existing circumstances no more deadly—no more serious charge could be brought against a man to-day in South Tipperary than that of being a 'land shark,' a 'land grabber,' for we, and when I say we, I mean the people from whom I sprung, and not the lords temporal or spiritual (cheers). We, the people, determined that we would make the name of 'land shark' and 'land grabber' as odious as ever was the name of informer in Ireland (cheers). You all know how, for centuries, we remember the family and the descendants of the man who might have sold or betrayed the cause of Ireland in the past. I want to tell you to-day that the man that betrays the cause of the people will be committing treason against humanity instead of treason against his country (cheers). One of the healthiest symptoms of public feeling has been the fact that men have found it necessary to come into the court of public opinion and state that there was no foundation even for a rumour, for, so far as the letter you heard read by Mr. Cusack went, there was only a rumour in the air that people were looking for the lands of Kilbury (cheers). Mark you, there was no charge, there was no fact, there was nothing to substantiate or to investigate. Had there been we would have sifted it

to the bitter end. There was simply a rumour in the air, and on the strength of some remarks that I made in the chapel-yard at Cloneen, last Sunday, men showed themselves sensible to the fact that it was a terrible charge to say that a man was flying in the face of the people, and they came forward with a disclaimer, they came forward and told the people of Tipperary that they never had anything whatever—no hand, act, or part, in attempting to betray the cause of the people (cheers). I tell you now that is a healthy sign, and I tell men that nothing can be more serious than to make a charge without foundation. Mark you this, men of Tipperary, it were better for the man who will hereafter be found to even think of betraying the people's cause, it will be better for him than he had not been born, for though we might not answer for his miserable life the contempt and the infamy that attaches to the committing of treason against the people's cause will be handed down to his children's children. I have no more to say. That was a rumour in the air, it is past, and let no man ever again attach any importance to it. These men have asked for justice ; you, if you expect justice, you must give it to everybody. They disclaimed all attempts to take that land, and I want you to believe them, as I do (cheers). Mr. Cusack, the secretary of the Slievenamon branch of the Land League, will now nominate the Mullinahone branch, and give you the names of the president, secretary, and council."

Go on to page 15, and read, "Mr. Thomas Kickham"?—(*Witness* reads)—"Mr. Thomas Kickham will take your names next Sunday. Every man who claims to belong to the independent, fearless, honest manhood of Tipperary, will go there and give his name, and the meaning of that giving your name is that the rest of your brothers throughout Ireland are prepared to stand at your back ; and whenever your landlord evicts you, if you belong to the Land League, your wife and family will be supported (cries of 'Bravo'), and your neighbours, your brother land leaguers, will see, so far as £20,000 of American money in the Hibernian Bank goes, that no one will ever take your land. That is what it means (cheers).

Mr. *Dillon*.—Turn to page 10 of the report, and read, "Every tradesman"?—(*Witness* reads)—"Every tradesman in the world can combine for self-preservation for their protection. Every class of society have their own rules and regulations, but the unfortunate upholder of them all, the down-trodden tenant-farmer, and the man who is depending on him, the labourer ; for this is not only the cause of the land, but it is the cause of labour, the cause of justice, and of humanity. This paper tells you to-day that this is a just and holy cause, and I believe that so sure as I believe that all justice and holiness comes from God, the great landlord and the holy one."

That is enough.

Mr. *Naish*.—Now take the report of the Clonmel meeting, held on the 11th August, 1880. Mr. Boyton attended that meeting also?—He did.

Begin, "The Irish National Land League"?—(*Witness* reads)—"The Irish National Land League was asked to send a deputation here to tell the people of Tipperary their remedy for the land-trodden. It is summed up in very few words. Their creed is that the people themselves hold the settlement in their hands. They do not believe that such a measure will satisfy the Irish people and unite the tenant farmers of Ireland and those who are depending on them, for I hold that the tenant farmers of Ireland and the labourers and the shopkeepers that they sustain, are the people, and that the landlords are not the people of

Ireland. I hold the doctrine that the law of nature and not the law of Britain must settle the land question."

That will do for the present. Go on now to page 13, line 10, "We have raised the flag of Ireland"?—(*Witness* reads)—"We have raised the flag of 'Ireland for the Irish' at the base of Slievenamon. There is the inscription, 'Ireland for the Irish,' but that means the land for the people. We do not believe that to-day if the whole people of Ireland were armed to the teeth that they could for one moment resist the power that could be brought against them. (A voice: 'For a year, perhaps.') I am glad to hear that talk from Tipperary. I hold that until we can join together hand in hand all over Ireland, and that out of 500,000, half a million, tenant farmers, we can get out of every hundred, five determined young men to say, 'No man shall ever till that soil, but its rightful owner,' then we will settle the land question."

Go on to page 18, line 16?—(*Witness* reads)—"You heard here to-day the names of a whole host of men who had sacrificed their lives, some of them their homes, their property, and their peace, but you did not hear the name of the figure-head of this movement—Parnell. (Cheers.) You hear it now, and there is a telegram in my possession asking you to believe that he is with you heart and soul, and he desires you, men of Tipperary, to listen to the councils he gave the people of Ireland twelve months ago, before he went to beg charity of your brothers in America. (Cheers.) He said, keep a firm grip of your homesteads. That is our creed, and Irishmen, for God's sake, remember the day is now at hand when we must believe in principles and not in men."

That is enough.

Mr. *Dillon*.—Will you refer to page 12, Mr. Stringer, look at line 25, "We want you to join hands lovingly"?—(*Witness* reads)—"We want you to join hands lovingly, for the man who advocates murder or dissension is an enemy to his cause and country. We want you to join hands and stand together shoulder to shoulder, and pledge yourselves man to man that you will not look for the food of your brother's wife and children over his head, that you will not take the farm or the land from which he is evicted, that you will not till it, that the crops of the landlords that the law gives them, the law from the landlord himself, let him go and bend his own back and reap them (cheers)."

That is enough. Did anything happen to the platform at that meeting?—It fell.

What became of you when the platform fell. Were you reporting then?—I was not reporting at all.

Where did you report after the fall of the platform?—Amongst the crowd.

Now, will you swear you were able to catch every word that fell from Mr. Boyton at that meeting?—I will, because I had some police with me to keep back the crowd.

Mr. Justice FITZGERALD.—This would be a convenient time for adjournment.

The *Attorney-General*.—I think if it suits your lordship's convenience it would be a convenient time.

Mr. Justice FITZGERALD.—Very well; the Court adjourns until eleven o'clock to-morrow morning.

The Court then adjourned.

SEVENTH DAY.—WEDNESDAY, JANUARY 5, 1881.

The Court sat shortly after eleven o'clock.

Constable JEREMIAH STRINGER, R.I.C., further examined.

Mr. *Naish* (Law Adviser).—I believe you attended at the Ballingarry meeting, in the county Tipperary, held on the 22nd August, 1880?—I did.

Which of the traversers attended at it?—Mr. Boyton.

And did he speak?—He did.

Will you state the number of persons, according to the best of your judgment, who assembled at this meeting?—I should say there were close on 5,000 people.

Turn now to the report of Mr. Boyton's speech, at page 11, and would you read his observations, commencing at line 4—"So soon as we are able to have a compact Land League"?—(*Witness* reads)—"So soon as we are able to have a compact Land League in every parish, village, and town throughout Ireland; so soon as we can know that we have men on whom we can rely and trust, men who will crush out treachery, men who will no longer tolerate the blackguardism and infamy brought about by English gold (cheers); so soon—as your worthy representative and my esteemed friend, John Dillon, said—so soon as to these meetings, instead of a disorganized, but firm, determined, and enthusiastic crowd, so soon as we can march four deep one mile of a column of earnest, honest, determined young men, stepping along the road—not drilling—marching to these meetings, we will begin then to show our teeth. (Cheers.) You must not wait for men to come here to do this thing for you. These are the days of self-help. You are all intelligent enough now to know you are fighting for your bread and butter. There are men amongst you who would to-morrow say, 'I do not wish to take any part in this movement.' Why?—'Because my land is cheap enough, and rented below Griffith's valuation; my landlord is a good landlord.' When you hear a man telling you that tell him, 'If that be the case it were better then that you were not born, for you are not at heart a Christian.' (Cheers.) God Almighty has told you, do unto others as you would wish others did to you; and when a man tells you, 'I am well enough off; I do not want a reduction of rent, or peasant proprietary,' turn round and tell him, 'We know you are well enough off, but are you doing to your brother, who is not well enough, what you would wish he would do to you.' Tell that mean, fearful, weak-kneed, half-hearted man that he is not worthy the name of Irishman, because this is a struggle of all Ireland."

You may stop now. Would you go on now to page 13. Was there a resolution proposed, or, I should say, seconded, by a Mr. Michael Cusack?—There was.

Would you read that resolution?—(Reads)—"That we recognise in the Irish National Land League the only true organization around which it is now the duty of all true Irishmen to rally. That we approve of its objects, and the means proposed for their accomplishment, and in to-day establishing the Ballingarry branch of the Slievenamon Land League, we hereby pledge ourselves never to bid for, take, or hold the farm from which our neighbour has been evicted for the non-payment of

an unjust rent, and never to take hand, act, or part in sowing or saving the crops thereon, and to hold the man who will do so as a public enemy."

You need not go further now. Go to page 14. Is there a speech made by Mr. Fisher?—There was.

Would you take up at line 4, "I have here a list of the names of the Landlords' League in the county Tipperary"?—(Reads)—"I have here a list of the names of the Landlords' League in the county Tipperary, and I will read the names for you, and ask you to give three groans each for them. First, Mr. Richard Bagwell, of Clonmel, (groans). The next, Mr. Arthur Smyth-Barry, (groans). Then we have Lieutenant-Colonel Carden, (groans). The Earl of Donoughmore, (groans). Matthew H. Franks, (groans). J. B. Going (his work has been going on long enough), (groans). Viscount Gough; Viscount Hawarden; Earl of Huntingdon; Thomas Lawlor, of Carrick; Colonel Mansergh; the Marquis of Ormond (sixty-nine ejectments at present on his property, and I believe he has a lot more notices to quit he will be going on with very shortly); Samuel Barry, brother-in-law of Count De la Poer's; B. W. Reeves, I suppose one of the firm of the Reeves that tried to put the Meaghers out of Kilbury; the Earl of Ross; John Trench; and there is one name I left to the last, and it is not the least of them, and that is our august M.P., Stephen Moore."

Would you read on then, commencing at line 19—"These men have joined together"?—(Reads)—"These men have joined together to keep you in the state of serfdom you have been in for hundreds of years. You have all heard of the parable of our Lord concerning the fig tree, how for three years it cumbered the ground, and it was ordered to be cut down. The system of landlordism has cumbered this country, not for three but three hundred years, and now cut it down, and join together and you will eventually gain the soil for yourselves. It is late now, and I would not wish to detain you, but I would like to impress on you the necessity of enrolling yourselves members of the Land League, and as Mr. Boyton has told you, a thousand men walking four deep and passing by the demesne of a landlord would have more effect on their hearts than the coming and going and forgetting all they had heard. By uniting with your fellow men, and by carrying out the cause which has been so ably worked for you will be only doing justice to yourselves, your country, and your God. (Cheers.)"

Now, go to the speech of Mr. Michael Boyton at page 15, and read his observations at line 15—"We do not tell any man to pay that which is not just"?—(Reads)—"We do not tell any man to pay that which is not just, but we do tell every man what God tells him, and what the Archbishop of Cashel tells him, that there is no first claim in rent, that yourselves, your family, should be first fed, housed, and clothed before you pay one farthing; bear that in mind, and any man who tells you we are counselling dishonesty, tell him it is false. God says you must live out of that soil, and you are told from the mouth St. Paul and the Archbishop of Cashel that rent has no first claim on your earnings. (Cheers.) Therefore I wish the vote of thanks to go forth, not alone to those worthy priests, but the whole priesthood of Tipperary, the most patriotic in all Ireland. There is one little fact in connexion with this meeting. You are told that meetings are not for talk, they are for work; and before putting the vote of thanks I wish to call now, and I do so in accordance with your invariable custom. I call on every honest Irishman here present to lift up his hand before God and pledge

himself never to take, hold, or occupy the land from which his neighbour has been evicted for non-payment of an unjust rent, never to work on that land, and to discountenance and to denounce as a public enemy any man that will be found treacherous enough, and base enough, to sell the people by doing so. (Cheers.)"

Stop now. Would you go back to page 5. There was a speech, I believe, at the meeting by a Mr. Michael Mullally. Would you take up at line 7, page 5—"It is no use one man having a farm"?—(Reads)—"It is no reason one man having a good farm and not coming forward and joining also; and if there is amongst you a cowardly hound who dare attempt to touch a man's land from which he is evicted, don't touch him, don't lay a finger on him; treat him with silent contempt (cheers); shun him as if the plague spot were on his cheek. Sooner clasp the murderer's hand than you will touch him; leave him alone in his glory, and that vile wretch shall go down to the earth from which he sprung 'unwept, unhonoured, and unsung.'"

Cross-examined by Mr. *Luke Dillon*.

Would you turn to page 10 of the report. Would you look there at line 29. It is "We do not ask you to commit violence"?—(Reads)—"We do not ask you to commit violence, either by word or deed; we ask you to move carefully as far as the law will permit, aye, even the law of Great Britain" ——

You may stop there. Would you go to line 50, "You are called upon," and read from that?—(Reads)—"You are called upon legally and justifiably to unite yourselves into one big organization all over this island. When that organization is perfected you will then exert the strength that God has given you."

Yes, that is enough. Would you begin at line 2, from the top, "I am glad to tell you," in Mullally's speech, at page 5?—(Reads)—"I am glad to tell you that within that period this infant League has got over the whooping cough, the measles, fever, and '*hoc genius omnia*,' and that it is inoculated with the utmost hatred of landocracy. Well, men of Ballingarry, I look to you to-day to as firmly fix this League on its feet as yon holy hill (Slievenamon). Stand together; go one and each and all; let no one stand aside."

Will you read that again, if you please?—"I am glad to tell you that within that period this infant League has got over the whooping cough, the measles, fever, and '*hoc genius omnia*'"——I do not know if I have it correct.

Spell it?—H-o-c g-e-n-i-u-s o-m-n-i-a.

Is that French, now, or Irish?—I believe it is Latin.

Well, your education seems to be neglected, as well as Mr. O'Rorke's. Is that the proper way, "*hoc genius omnia*?"

Mr. *M'Laughlin*.—That is what he bought the *Freeman* for.

Mr. *Dillon*.—Is that what you brought the back number of the *Freeman* for—to correct your quotation? Who was in the chair at that meeting?—Rev. Mr. Hickey.

A Roman Catholic clergyman?—Yes.

Examined by Mr. *Naish*, Q.C.

Would you turn again to page 10. Mr. Dillon asked you to read at line 28—"We do not ask you to commit violence, either by word or deed; we ask you to move carefully as far as the law will permit, aye even the law of Great Britain." Read then the next.—(Reads)—"We

ask you to work within the law; but within the law we can point you out a way that will bring these men to the earth, and when there crush out the life out of them for ever. (Cheers.)"

Mr. *Curran.*—Tell me, Mr. Stringer, will you kindly read the chairman's address?—It is short.—(Reads):—"This meeting is assembled for an important purpose—the attainment of justice for the tenant farmers of Ireland. I see none of the aristocracy of the country at this meeting. I suppose they imagine they are not wanted, but good men have come here, men of mind and intelligence, having honesty in their hearts, and having the courage of their convictions, come to teach you the important lesson—the best means of securing justice for yourselves. The Land League reckons amongst its members some of the best of men, and foremost amongst these good men is Mr. Parnell. (Cheers.) Mr. Parnell is himself a landlord; he is a just and good landlord that knows and sympathises with his tenants. We know in seasons of distress he has not only sympathised with his tenants, but he has also extended a helping hand to the afflicted and down-trodden of his country, and this year of famine and famine-fever we know that he has crossed the Atlantic and pleaded our cause in the free States of America. We know how he succeeded. We know that he brought and sent home abundance of money and food to the starving poor of this country. Like Mr. Parnell, but not to the same extent or in as high degree, there are just, kind, and generous landlords in Ireland; but there are unjust and bad landlords in Ireland too, and the number of the bad landlords is, I fear, greatly in excess of the good. The best writers on political economy and the greatest statesmen of the age, men in the Cabinet, and out of it, Mr. Gladstone himself, the Prime Minister of England, admits that injustice is frequently perpetrated on the tenants in Ireland. Of the truth of this the tenants at least of Ballingarry need no proof; many of them have sad experience of it. If you work hard for thirty years; if you build the best house on your farm, and make the best fences on it, and drain it thoroughly and manure it well—in a word, from being perhaps waste and covered with furze and heath, if you make of it a good and productive farm—is it not an injustice after thirty years, when your lease is up, the landlord steps in and robs you of all your means, robs you of your toil and labour; and he can and does do this with the sanction of the law as it now exists. In plain language, this is simply a great injustice, and it is an injustice, unhappily, not of rare occurrence. To help you, then, in your honest and constitutional effort to secure justice for yourselves, good and true men have come here to address you to-day, and it is to be hoped you will listen to them with attention, and that you will take their words as becomes men of intelligence and Christianity. Not only during the meeting, but on your way home from it, men of Tipperary, be sure to do nothing that can bring discredit on the cause, the country, or yourselves (cheers)."

Cross-examined by Mr. *A. M. Sullivan.*

Mr. Stringer, will you please turn to page 4—the speech of Mr. Michael Mullally. Now, will you begin at line 31—"Men have said to me"?—(Reads)—"Men have said to me, 'Your League will end in a bottle of smoke,' but I told them it will not. No right-minded man can say this. In O'Connell's time the whole of England was sworn against the Conciliation Hall, but here now we have all Ireland

united in one common mass. We have Presbyterians in the north and Catholics in the south under the glorious patriotic Archbishop of Cashel and Emly. Unity is written on the banner of the Land League. Victory shall be the next thing that shall be emblazoned on it; and standing together Orange and Green will carry the day if you be true to yourselves. Why is it that each and every man amongst you, the youngest as well as the oldest, can remember some of your brothers or sisters hurled to die on a foreign strand, leaving their bones whitened for the wolf or jackall? It is because we have no hold of our own country."

That will do. Did you make any special report to the Government about that frightful sentiment, *Hoc genius omnia?*—No, sir.

Did it strike you that the translation of it was "Down with the Royal Irish Constabulary"?—No, sir.

Mr. *Naish.*—Did it strike anybody at the meeting that it meant "Down with the Royal Irish Constabulary"?—I should think not.

Mr. *Naish.*—You attended and reported the meeting held in Clonakilty, county Cork, on the 29th August, 1880?—Yes.

Mr. Michael O'Sullivan attended at that meeting?—He did.

What number of people attended at that meeting?—I think about 2,000 people.

Would you go to the report of Mr. O'Sullivan's speech, on page 6 commencing at line 31, "We have to a certain extent at these meetings?"—(*Witness* reads)—"We have to a certain extent at these meetings and from the public press dispelled the ignorance. The people now with one voice believe and say that the land was made for the people, and they are also determined that the people shall repossess themselves of it. Thus has the ignorance faded away, the apathy too, that apathy which was the cause, the great cause, of Ireland's present abject and degraded position, that apathy has cleared away, and your meeting today at this house from which a man was evicted proves that. (A Voice—'Right.') Now there is no disunion. I would like to know before I go back to Dublin, to know whether we will leave this meeting disunited or united. (A Voice—'United.') I wish to know whether you will form an organization and enrol yourselves every man of you before you leave this, this very field, enrol yourselves in that organization. It is by meetings such as this when the people are together that they see their own power, that they determine to use that power. It is only by such meetings that you can become united, and become firmly united by a social band, the band, of some society—(hear, hear)—we want you to become united under the Irish National Land League. You know its objects; first to free the land from its curse, to free the land from that power which desolated your homes and which ruined your families. The object—the means by which we mean to attain that is, first, union among the people. In case a tenant is evicted that the people will pledge themselves never to take that farm, never to work upon it, never to buy the goods sold for rent ('never'), and then if the landlord evicts a tenant, if you are united, why the farm is useless to him, if there are crops upon it why he will not get anyone to labour to cut the crops; he may if he wishes reap the grass himself, his sons, and his daughters, and do an honest day's work. Let them then cease from seeking for land. Well, the sheriff puts them up, but there is no buyer, and what is he to get for the rent? Then do you not see your power if you are united. But you will say, 'True, but we see that all the people will not be united.' If you do not you are deserving slaves.

I want to know whether you have earnestness enough to become united to stand together like men in one grand, industrial union, and to say to these men, 'We have been paying you rack-rents for years, you can show us no right or title to the land, it is mainly yours by Cromwell's sword, and by confiscation; however, we have been paying you for that right for years, we did it because we did not know our rights, but now that we know them we are determined to pay you no longer until we come to a settlement of this question.' It is only in this way that you can bring landlordism, that unholy power, to its knees, if you become united, and I wish you here to-day to pledge yourselves, here in the free air of heaven, which was made for you by God, as the earth was, that air the landlords would charge rent for if they possibly could; they might as well charge rent for the air as fine you for killing the birds that fly there; they might as well charge rent for water as to fine you for killing the fish that swim there; rent on them is immoral, they are natural agents. If you combine together, combine sternly and determinedly, you can resist this power, and bring it to its knees in this way, and if you do this men will be very glad to take compensation, and go about their own business and work, or dally, or idle, and go into the workhouse if they like."

You may stop there. Go to page 8 now, and read at line 28. "Now in the West of Ireland, last Sunday"?—(*Witness* reads)—"Now in the west of Ireland, last Sunday, we pledged ourselves not to give the police cars for the purpose of doing bad acts, that is as to evict the people. If they wish to evict let them walk it and do it, and if the people give them cars let the cars lie idle as the land. If you have weddings do not use those cars, for it would sully the bride and bridegroom by sitting on cars used for such a purpose. Will you pledge yourselves if any person gives cars to the police for the purpose of carrying out evictions, and of destroying happy homesteads, that you will never sit on these cars again. Will you do that? Well, now let them, if they like, give cars to the police, but let them lie idle after. I have nothing at all to say myself personally to the police."

Go on to the next page at line 2. Read from Mr. O'Sullivan's speech? —"Cheering, gathering together at meetings"?—(*Witness* reads)—"Cheering, gathering together at meetings and going away again are but as the clouds which gather together and fall without rain. You must not be a cloud, you must be a band of firm, determined men, really willing and anxious to carry out the instructions which are given you. You must be banded as one man, everyone having the interest of his brother at heart, and if you do that before one year, if you refuse to take a farm from which another has been evicted, if you refuse to buy anything that has been held for rent, you will in a short time bring landlordism to its knees, and then become as other nations which have a system of peasant proprietary established in their midst, a prosperous tenantry, a law abiding, orderly, aye, and a free and prosperous country. (Cheers.)"

Go to page 16. Mr. Sullivan spoke again, I believe, at the meeting? —He did.

"Now, before we part."—(*Witness* reads)—"Now, before we part, after a very successful meeting, I will ask that our late chairman do leave the chair, and that Mr. Farrel be called to it. In proposing a vote of thanks to our late chairman for his very able conduct of the business of this meeting, I wish to speak on a few subjects that were not touched upon by previous speakers. One of them is, if tenants are evicted, how

will they support themselves. The Irish National Land League has a fund for that purpose, so do not trouble your heads about that. This poor man here is now enjoying the benefit of that."

That will do.

Cross-examined by Mr. *Adams*.

Now, Mr. Stringer, would you look at page 7, please, line 28, in Mr. O'Sullivan's first speech, commencing—"Now, what is the system that we will substitute for it"?—(*Witness* reads)—"Now, what is the system that we will substitute for it. It is this system which prevails in all the European countries. In Belgium such a thing as a pauper was never known. In Ireland we know them well enough. What is the reason that in one case the man who tills the soil knows he has no man, when he makes the land worth from three to eight shillings an acre, he has no man to raise it up to nine, and rob you of the work you yourself did on the soil? Who made the improvements we see everywhere? Was it the people or the landlords? If you saw a landlord digging, if you saw a landlord rooting out the 'spuds,' why then he is by all means justly entitled to the value of his labour. If you see no landlord with his spade in his hand digging there, and if you see him charge for your labour, tell him, 'You are robbing me, and I will not stand it longer' (cheers.) We can create a peasant proprietary in this way. To take the banks. They issue a certain number of notes beyond the actual coin they have, and that on credit. Now the Government, the land is certainly a greater security than gold, for you may lose gold on the sea, on the land you cannot lose it, so now let the Government issue land debenture notes, having the land as security, and we will buy out the landlords. Now, take a farm, for there is nothing like giving a practical instance, take a farm of £10 a year valuation, or £100 even, which farm of £100 we will give the landlord twenty years' purchase. We offer that now. (A Voice—'Too much.') Take this farm of £100 a year valuation, you buy out the landlord, you offer him twenty years' purchase, which at present we pay at the rate of 3½ per cent., that is three times 3 per cent., £60 a year for the Government valuation of £100. Now, under the present land law, the Government valuation of £100, you all know, means a rate of £200. So under our scheme there would be £60 a year for what you at present pay £200. Again, if you wish to buy out at thirty-five years, we give 5½ per cent., and then your children own the land, having you subject to an ordinary slight tax. Is that a system you would wish to have established or not? I want every man who says it is, I want him to pledge himself to-day to you to labour for its attainment, in conjunction with the Irish National Land League. I want you to pledge yourselves, hold up your hands—(here every hand was held up)—and pledge yourselves."

That will do. Turn now to the second speech, please, page 16, line 15?—(*Witness* reads)—"We have had evictions. We have had poverty. We have had the begging box through the nations. We have relief committees. Is not that evidence sufficient. Have you not had relief committees in every village of the country; every priest and every parson, every layman should know these relief committees existed. Is not that sufficient evidence?"

That will do. Go down to line 27.—(*Witness* reads)—"You all remember the Franco-Prussian war. The State of France wanted money at that time, and who gave it to the State? Do you know? The peasants gave all the money to the State at that time, they gave over two hundred millions of money to the State, and they offered ten times

as much, and I would like to know if you are able to lend the State two hundred millions."

That will do. Now, Mr. Stringer, where were the speeches delivered from at Clonakilty?—They were delivered out of a wagonette. The speakers were standing in the wagonette.

And where were you?—I was standing on the ground.

How far from the wagonette?—I was about four yards, I think.

Was there a great crowd at the meeting?—No; there were about 2,000 people, I believe.

Was there much swaying amongst the people?—No; there was very little swaying.

Were you disturbed at all when taking notes?—I think I was on one occasion.

Does that appear on the face of your report?—It does not. I cannot recall that occasion.

As far as I can see there is not a single sign on the face of this report that you missed a single word Mr. O'Sullivan said?—I believe I did not miss a word Mr. O'Sullivan said.

And you heard every word he said?—I heard every word.

And took it all down?—Yes.

And he concluded every sentence?—Yes.

Because every sentence is concluded in your report. Did you see any of the Cork papers immediately afterwards?—No, I did not.

You did not see Mr. O'Sullivan's speech in any of the Cork papers?—Yes, I think I did.

When did you see it?—About a week afterwards, I think.

Was that after you had written out the report of his speech?—Yes, it was.

Did you compare your notes with the report in the Cork paper?—No, I did not. I never have compared my notes with a newspaper.

Though you bought a back number of the *Freeman*?—That was to verify a quotation in the paper. I beg to explain the reason.

Mr. Justice FITZGERALD.—You explained it yesterday.

Mr. *Adams*.—The next meeting you attended was at Clonmacnoise, on the 5th September?—Yes.

Did Mr. Patrick Joseph Sheridan, speak at that meeting?—Yes.

What number of people attended that meeting?—About five thousand.

Turn to the report of Mr. Brennan's speech, at page 9, and take up at line 6?

(*Witness* reads)—"The King's County has been a long time without speaking out upon this important and vital subject—(question),—but she speaks to-day with no uncertain voice, and here, by the banks of the lordly Shannon, here in the place associated with so many historic recollections, the manhood of the county pledges itself to-day to work for the emancipation of the toiling masses and the destruction of the power of the idler whom you have so long supported (cheers), and I trust the voice that goes up to-day demanding the land for the people will not be hushed till that cry shall become a reality, and honest labour will be repaid by having its fruits protected (cheers). This is not merely a movement on behalf of the tenant-farmers of Ireland against the landlords of Ireland, it is a movement of the workers of Ireland against the class who have been robbing you (cheers), against a class who despise labour in every form. It is the uprising of the democracy of Ireland against the privileged few who have been living on the profits of your labour (cheers). It is the rebellion of men who, for a long time, not knowing their rights, have bowed under the weight of oppression, and who now,

knowing that God did not create them to be the willing slaves of any class, who know that they came into the world with the same rights as him who is called lord, take their stand upon these rights, and hurl defiance into the teeth of their enemies (cheers). To attain your rights, it is but necessary that you know them, and when the great political truths, which have for the last eighteen months been preached in the province which lies beyond yon stately river, when the great truths of manhood and self-reliance which have been proclaimed from a thousand different platforms in Connaught will have taken root in the minds of the people of Ireland, neither the feudal power of the landlord nor the bayonet of a foreign Government can keep you out of them (cheers)."

Stop now and go on to page 10, and read at line 20—"We are now engaged?"—(*Witness* reads)—"We are now engaged in the work of the destruction of Irish landlordism (cries of 'Down with them'), and you can accomplish that if you are but earnest, and sincere earnestness is the secret of success."

Go on now to line 39 same page.—"As I said before, this is not a movement merely in the interest of the farmers," and read on to the end of the speech?—(*Witness* reads)—"As I said before, this is not merely a movement in the interest of the farmers, the artizan in his workshop, the merchant at his desk should take as much interest in this movement, and work as zealously for the destruction of the power of the idler as the farmer in the field. There is a class in the community who do not work but who live upon the stolen fruits of your labour, and it is the interest of every man that works to see that that class should be got rid of. That class can be got rid of by organization and determined action amongst the people themselves. Now, it is that organization and determined action that we are here to-day to counsel you to. You will not have done your duty when you come here to-day with bands and banners, the more important duty remains when you go home to your homes this evening. You must start a branch of the Land League in every parish in the county, every man that works must be enrolled in that branch, and if any man stands away from you now, if he prefers to stand alone now, then you should leave him alone when the hour of his trial comes. You must be determined in this work, you must show the landlord that you know that you are his equal, and that the days of worshipping idlers is for ever past in Ireland (cheers). You must be loyal to yourselves, and you must, in the first case, refuse to pay an unjust rent (hear, hear). An unjust rent is, as my friend Mr. Kilrae explained to you, anything over the surplus profit that remains after you have paid every claim for the working of your holdings. Pay the labourer, pay the merchant, pay the banker, pay yourselves in the support and education of your children, and if there is anything over that offer it to the landlord (cheers and laughter), and if he does not take it, then put it in your pocket till he comes respectfully to ask you for it (cheers); but above all, and before all, you must refuse to take a farm from which a man has been evicted (cheers). Let that farm remain waste; let the grass rot upon it; let the crops rot upon it; and if any man is found to take it, or even work upon it, there are a thousand and one ways in which you can punish him (cheers); that you can punish him without transgressing the law. I look on this as an educational movement that is necessary to teach the people their rights, and as long as we teach nothing that is degrading or immoral, as long as we do not interfere with any other branch of national labour, then I hold that it is entitled to the support

of the Irish people, that it is entitled to support in the name of nationality and humanity, and in these sacred and holy names I ask you to-day to endorse the principles and to accept the policy of the Irish National Land League (cheers)."

Mr. *M'Laughlin.*—Perhaps it would be convenient for the witness to read a passage or two from this speech now for me.

Mr. *Naish.*—Certainly.

Mr. *M'Laughlin* (to witness).—Would you kindly, if you please, turn to page 10?—Yes.

Line 3?—Yes.

Read after the word "cheers?"—(*Witness* reads)—"But looking at that past history we find that we always lacked determination and the settled purpose which was necessary to success; too often we turned away from the path of stern duty and soared after some indefinite idea. There is no person at this meeting to-day prouder of the privilege of being an Irishman than I am, but with all our Irish virtues I wish we had some of the dogged determination to assert our rights that characterise the English people, and our country and ourselves would be in a different position to-day. If the English people were depending on agriculture as you are, and that they were treated in the like barbarous manner, think you how long they would stand it; why, in twenty-four hours the manhood of the country would be in rebellion against the system; aye, the very stones would raise and mutiny."

Now, would you look at the first page of his speech, on page 9, and commence at line 32—"This movement differs"?—(*Witness* reads)—"This movement differs from all previous public movements in Ireland, inasmuch as it relies solely on the power of the people. It tries to teach that the people have their emancipation in their own hands, that is, the power of the people if but rightly applied can surmount any difficulty, and if no other good has been accomplished it is something to have got shut of that idea of leadership which was thought necessary to dazzle the Irish mind, and publicly sow the seeds and the principles of Republicanism—(cheers)—which can alone raise an enslaved people (hear, hear.) It is not necessary in Ireland to-day to raise up any idol for popular adoration. The people were now engaged in worshipping principles and not men, we have taken our own cause into our own hands, and therein lies the secret of the success of this movement. We have as a people a great many faults which slavery has produced, and I think that instead of claiming every imaginable virtue, political and social, for the Irish people, it would be much more patriotic in any man whom his countrymen consent to listen to rather to point out these faults and show how they can be corrected."

Mr. *Naish.*—Mr. Harris spoke at that meeting?—Yes.

Go to page 12 in the report, and read the resolution that he proposed?—(*Witness* reads)—"That knowing as we do that it should be impossible for the landlords of the King's County to rob, oppress, and exterminate the tenant-farmers in the manner they have done if they had not the co-operation of a section of the tenantry, we hereby declare that the man who would take a farm from which a tenant has or shall have been evicted is a public enemy, one who deserves the reprobation of all good men."

Go now to line 30, and commence at the passage, "And if you but use that power"?—(*Witness* reads)—"And if you but use that power, if you but remember that throughout the world the power of the people has pulled up kings, and emperors, and republicans, and turned them down; if you but remember these things, and reflect upon the mighty power

that rests in your own hands, you will very soon find within yourselves that this thing of fearing down landlordism in Ireland is not such a monstrous thing as formerly you thought it was. You will find that you have been enslaved, especially in the King's County, by as paltry, as contemptible, as worthless a class of men as ever enslaved their fellow-man, and I often reflect how it was that the men of the King's County did not come to the front before this. I know what the magistracy of the King's County are, and I tell you that the English Government may tire, and the English Government often has tired of persecuting the Irish people, but the magistracy of the King's County never has tired of it. (Cries of 'Down with them.') The blood-stained hands of Coote or Cornwallis are not red enough to satisfy the malignity of the magistrates of the King's County, and I have asked myself when I saw a great and noble people lying down dormant like sheep under these tyrants—I have asked what is the cause of all this wretched serfdom on the part of the men of the King's County?"

Go now to the next page—page 13, and commence with the passage at line 15—"As long as you lie down and cower before them"?—(*Witness* reads)—"As long as you lie down and cower before them, so long will they oppress you. Adjoining this locality what has been done? One of the most infamous men, one of the most despicable characters, one of the greatest satires upon humanity that ever existed, Lord Ashbrooke (groans), he has been oppressing and dispossessing and robbing his tenants, the same as if they were not flesh and blood, the same as if they had not a soul in their bodies, or the spirit of a man within them. (A voice, 'Three groans for him.' Groans.) And I tell you, my friends the man who stands this oppression and lets the shabby crew, the agents and the bailiffs, oppress them, they are hardly worth giving the name of men. My resolution distinctly states that those who take a farm from another should be despised by all men. That resolution goes so far as to condemn the tenant who undermines his neighbour; but I tell you another thing. My friends, I am not making a splendid oration, I want to talk sense. I want to bring things home to your minds and hearts. I want plain speaking. I want to put the thing plainly and clearly before you, and tell you what to do. Well now, there is many a man covets another's farm and is afraid to take it; but there is another class of men, there is a class who when the landlord comes and asks an enormous rent, no matter what he asks of him, they will come forward like so many fools and they will hand him out all he demands. Now, next to the man who takes another's farm this class of man is the worst."

Stop there. Now go to page 14 and commence at the word "Gentlemen," in line 20, and read on to the end of Mr. Harris's speech?—(*Witness* reads)—"Gentlemen, I have hardly alluded to my subject, and the reason is that we have made such progress with this movement that the time is at hand, or near at hand, when no man shall dare to take the farm from which another is evicted, for the man who takes a farm from which another is evicted he will not only be looked upon as a black sheep, but will be looked upon as an abomination of abominations. That no decent man will marry with his family, and that he will be looked upon as false to his country and to his religion; false to his friends and to everything that a good or honest man should support. Gentlemen, I beg to propose the resolution which has been entrusted to me."

Mr. *M'Laughlin*.—I'll trouble you, if you please, to read the beginning of Mr. Harris's speech up to the point at which Mr. Naish took you up. There are about thirty lines altogether—

the resolution has already been read?—(*Witness* reads)—"Never on any former occasion when about to address a public meeting have I felt so depressed as I feel at present when I look around, as I have done here to-day, and see so many crumbling monuments of our ancient piety and learning, and our ancient heroism. Had it not been for the requirements of a public meeting I feel that silence itself in this sacred place would be more eloquent than words, for throughout the world nowhere has there been found the same surface of land which contains the ashes of so many saints, so many kings, and so many heroes as this locality of Clanmacnoise. Along that causeway upon the ground on which we stand, numberless kings have been brought here to be interred in that graveyard, and the loud re-echoing of a thousand melancholy voices has been heard hundreds and hundreds of times re-echoing through these valleys. Those times are all passed now, ladies and gentlemen, and so has the clan system which was the political system which existed in those times. In this graveyard the dust of kings is mingled with the dust of beggars, and the dust of the humblest of the people. Not long ago in the small town of Shannon Bridge the lineal descendant of the great O'McLoughlin died a labouring man's wife. These memories, the recollections of these things I must confess sadden me, but while I feel dispirited on the one hand I feel rejoiced on the other, for the blood of these kings circulate throughout our people, and what is the kingly power which they formerly possessed, has come to be possessed by the people themselves."

Very well. Will you now please pass over the intermediate portion and come down to page 13, line 36, where Mr. Naish stopped, "If landlords knew that"? (*Witness* reads):—"If landlords knew that, Ashbrooke and the like of him, that, as Mr. Gladstone said, people have to live first to exist in comfort and ease and happiness in the first instance, and that all that remains after keeping him in this manner that, and that alone, is due to the landlord. If these men were made to feel this they would not in all this bad time come forward in the tyrannical and savage way they have; they would not be sending round their writs, and in addition to the rent put £2 10*s.*, or £3 or £5 on the tenants; but so long as they find fools and slaves bending down their necks there will be always found tyrants to trample upon them. Now I do not wish to occupy too much of your time, but I will ask you one simple question: If you expect the landlord to reduce your rents you expect that he will make a sacrifice for your sakes. If you expect that I or any other man will advocate your cause, or that such men as Mr. Parnell (cheers for Parnell) will waste his time or his energy or his money in advocating your cause, you should be prepared to make some sacrifice yourselves. Each man should say to himself, he should apply to himself the broad Christian principle of doing unto others as you expect they should do to you. If you expect others to assist you, why not assist one another? Why not each man come forward, not to be waiting to be asked, but why not each man rush forward and see how or in what way he can assist his drooping brother who is in the grasp of a tyrant perhaps? But if the man who has a good landlord, if the man who is not oppressed himself if he holds back in his selfishness, if he opens not his heart, but says, 'O, I am all right, I do not care about anybody else.' If people do this they will be acting against the greatest and noblest truths of the Christian religion, to which they profess to belong. A thousand years ago Clonmacnoise was founded by St. Kieran, a carpenter's son, and thus it is Christianity arose purely and solely from the people. St. Patrick began his mission by freeing slaves, himself a liberated slave, and thus

man succeeded in changing a savage, barbarous, selfish world to a world of Christian morality, to a world of Christian love, to everything noble and good."

Now, I want to ask you, if you please, who was chairman of that meeting?—Rev. Mr. O'Reilly.

Have you a report of his speech there?—Yes.

Is it very long?—No, it is only a page.

Then, instead of asking you to give us the substance of it I'll ask you to read the whole of it as it is short?—(*Witness* reads)—"I thank you for appointing me to the chair at such a distinguished meeting as this. I suppose there cannot be less than 20,000 present. I expect that there will be the greatest order at the meeting, and after the meeting that every person will go home like men, and every person giving dissatisfaction will give strength to the enemy; and I hope when the meeting is terminated that every person will go peaceably to their homes. The relations existing between landlords and tenantry imperatively needs us to exert ourselves, and see to offer an amicable arrangement, if possible, between landlord and tenant. The laws that were made heretofore were made chiefly in favour of the landlord, and, of course, why would they not legislate for themselves. They all did this; they achieved this. They appointed the rents, even to the degree of rackrenting, so that they occasioned a famine. I do say that it was the landlords chiefly who occasioned the famine (cheers). It was hard for the poor tenant to be always throwing into their inexhaustible coffers gold and silver, and the landlord would never say 'Enough.' If a landlord saw a good coat on a man, or a good gown on a lady, 'Oh! these persons are robbing me. Aye, indeed, I cannot live. Look at that; see how they spend my money uselessly.' I hope in the course of time that will be done away with, that there will be just laws established by Mr. Gladstone between landlord and tenant, and it will bring peace and harmony amongst the people. What is the law? It is a special ordination made by a governor or superior for the good of the people; but the laws that were passed for the people, were they for the good of the people? ('No, no.') They were not. Was it for the good of the people to rackrent them, so that they had to go to a fair or market to raise the rent? Was that for the good of the people? The landlords had the right—they took the right—of raising the rents and appointing their tenants, and of course there was no tenant had any alternative but to consent to the terms that the landlord himself imposed, and the laws of the landlord were all one-sided, like the handle of a jug (laughter). We hope then that the Legislature we have now will pass a grand law that will sweep all disunion from amongst the landlord and tenant, and that the landlord and tenant will live in friendship, harmony, and peace. All we want, then, this justice. We don't want to do any injury to the landlord, all we want is justice—to give to every man what belongs to him, without exhausting the life-blood of the tenant like a vampire, to be always drinking the heart's blood of the tenant. They say that it is all their (the tenant's) own fault, that they are negligent and lazy, and this and that. They are no such thing. Look at them working and you will know whether they are lazy or not. Even the brute creation are not to be compared to the Irishman working. It is the landlords, then, that occasioned the famine. He raised the rents. Did he then see what injustice was done the poor man? He was rackrented. When he was not able to pay the exorbitant rent, the law applies, the crow-bar brigade came forward, the bailiff came forward, the landlord came forward, and threw the poor husbandman, his wife, and his family out on

the road. Was that justice? ('No, no.') Was that a law passed for the good of the people? No, it was not; it was to exterminate the people, to hunt them out of their homes. All we want, then, is justice, and to pass good laws that will be a benefit to the husbandman and to the landlord. We don't want to injure either the one or the other. We want to protect ourselves and to protect the tenant, to root and firm him in the soil, and not to throw him out as a renegade over the face of the earth—to throw him out on the road, his wife and family, even in an inclement season of the year. 'Let them die; they don't deserve to live any longer.' Are not they very charitable? That is not charity; that is not to love God above all things, and your neighbour as yourself (cheers). Every item of the laws are in favour of the landlord, and not in favour of the tenant. They can eject the tenant after paying his rent, and say, 'You are a useless man; the rent should be raised 50 per cent. higher.' What right, then, has he to be raising the rent according to his own whims and fancy? (A voice—'Aye, but who will give it?' Cheers.) We are bound to give what is reasonable and just, but we are not bound to give exorbitant rent; and if any man thinks he can tide over the winter, and when starvation will come to him; and if he cannot tide over the winter, let him not pay the rent, for self-preservation is the first law of Nature (cheers)."

Mr. *Naish*.—Mr. Sheridan spoke at that meeting?—Yes.

Turn to the report of his speech at page 23, line 11, and read the passage commencing "When he beholds the ruins battered down"?—(*Witness* reads)—"When he beholds the ruins battered down with guns of the enemy and the stranger, and these brave peasantry enslaved by the enemy, let us not wonder that he would picture to himself that the men of the King's county should have long since thrown off their apathy and joined the men of Connaught in waging war against that accursed system which could be tolerated in no country to-day. However, the war cry is taken up by the tenant-farmers of the King's county, and I hope you shall never cease to raise that cry, to combine together your strength, and to unite with your countrymen throughout the length and breadth of the land until you sweep off the face of the earth that accursed system, and raise on its ruins an Irish peasant proprietorship."

Go on now to line 39—"But, my fellow countrymen"?—(*Witness* reads)—"But, my fellow-countrymen, no matter before what altar we bow our head, that is a matter that concerns ourselves and God alone; but the platform on which we are here to-day is one on which Protestant and Catholic, Pagan or Atheist, or any other man who earns his bread on Irish soil by the sweat of his brow, can consistently shake hands on and wage with one voice a war and crush them all alike to the very dust of the earth. I say to you here to-day, to all religions, creeds, and factions, forget your petty feuds, and the past bitter associations that have been identified with so much of our past history, join hands to-day in this one grand national movement, and so sure as God is in heaven, with one united Irish people, we shall sweep in onward strides to independence."

Stop there, and go now to page 25, and read the passage, "On any Sunday, you can, after last mass"?—(*Witness* reads)—"On any Sunday, you can, after last mass, take and assemble together, and let all the earnest and intelligent men go there; and I am glad to perceive that you have the hearty sympathy and co-operation of your females, many of whom have contributed in no small degree to the success of this meeting; and you can meet in some chapel yard, or market, or fair

Green, and take and elect a secretary and treasurer and committee for your circle, and forthwith, without waiting for a monster meeting or placards, you can get your secretary to sit down and enroll all the men in the branch of the League, and so you have it established, and so there is not much to be consulted about. There is nothing easier than to have a branch of the Land League all over the land, and anywhere it does not exist then set to like earnest men who feel they have a duty to discharge to themselves and their country, and establish one until the great and glorious tree of the Land League has thrust its branches to the farthest corner of the land."

Mr. *Walker*.—I want you to read three or four lines of that speech. Turn to page 23, line 29. "We shall never combine, &c."—(*Witness* reads)—"We shall never combine ourselves in an organisation or combination which would have for its end the subversion of the Catholic religion in this land, and I am sure you would join with me, with a torch in one hand and a sword in the other, and not allow the religion we have so long cherished in this country to be sacrificed, and we never will and never shall permit any man or number of men to establish amongst us Communism in this country."

Mr. *Naish*.—The next meeting you reported was at Athy, county Kildare, on the 10th October?—Yes.

One of the traversers, Mr. Michael P. Boyton, attended that meeting and made a speech?—Yes.

How many persons attended the meeting?—About five thousand.

Take up the report of Mr. Boyton's speech at that meeting, and read from the first line—"Tenant farmers and men of the Queen's County?" (*Witness* reads)—"Tenant farmers and men of the Queen's County, Kildare and Wicklow, for I see here to-day representatives of branches of the Irish National Land League from all sides around Athy, and they have come here to assist you in holding a public meeting, not for the display of banners, not to listen to music of bands, not to listen to speeching and spouting, and eloquence, but to work to organize and to teach you the way that Charles Stewart Parnell (cheers) and his followers want the land question settled, and that is not on the floor of St. James's, not in the theories put forward by the gentlemen who write long eloquent letters to the daily papers, not in the various panaceas that are thrust before the Irish people to-day, as the writers have grievances—rather to teach you that you hold in your own hand the settlement of the land question. I am standing to-day on the third platform in the county Kildare in connexion with this movement. I am glad to see that the land movement in this country so auspiciously inaugurated at Monasterevan and followed up in Kildare, has now been taken practically in hand by the tenant farmers of Athy (cheers). A week ago the requisition signed by the tenant farmers of Athy was sent to the national organization which I have here to-day the honour of representing. I left a meeting to-day in the hands of gentlemen who are well able to take care of it, to come here to my native county to do my work at home (cheers). At the very moment you are cheering here and extending, not to me or the men who spoke to you your accord, say rather to the principles of the work we have in hand at this very moment, the man who, standing upon the platform in the market square of Kildare, made his words ring throughout the length and breadth of these kingdoms—John Dillon (cheers). John Dillon is standing now on a platform in the town of Templemore, in Tipperary, speaking to 25,000 people of Tipperary, and I would have been by his side but for the fact that the men here in Kildare wished

to make a movement themselves, and recognising that truth, that this movement should come from the people, and when that people show a disposition to move, it is our duty to show them the way to move, and how (cheers). My good and esteemed friends Mr. Lalor and Mr. Marum, who a week since met face to face 20,000 or 25,000 of the stalwart men of Kilkenny, they went into the question at issue so largely that there is no necessity for me to go on at any length."

Go now to page 23, and take up at line 22, "Therefore, I want every man here to-day to remember"?—(*Witness* reads.)—Therefore, I want every man here to-day to remember what your brothers in Tipperary are doing. They are standing together, and wherever acts of landlord oppression come up they tell the tenant, 'let them put you out, we will put you in again; let them put you out again, we will put you in again (cheers); ay, and again and again, and let them, if they dare, see the man that will come there and touch a blade of grass on your land.' I tell you that it is not by crimes of violence that the people of the south riding of Tipperary to-day are enabled to, if we give them the word, strike against the payment of all rent. It is not because they have always been fond of shooting a bad landlord in Tipperary that they are in their present position. It is rather because, with their clergy at their head, they are standing face to face with the hereditary enemy of Ireland, landlordism, its worst weapon, and telling them, come here to Tipperary and do your worst; we will show you how we will settle the land question. Already a dozen of model farms exist in the county Tipperary. They are model farms, because they are standing there a living witness that the landlord dare not till the land, and cannot get a living man to strike a spade or plough in it, and he dare not, he is too cowardly to go there and till it himself. What has brought about this condition of things? Intelligent organization—organization without which this meeting and all such meetings will be worthless, and the excitement and the enthusiasm of the time will pass away just as these men to-morrow will take down these flags and this platform, and it will all vanish, and the land-grabbers, and the would-be land thieves who are here amongst you will go back to their evil devilish work, of propping up landlordism by taking land."

Go now to the next page 24, line 15, and commence, "We must destroy?"—(*Witness* reads)—"We must destroy the land-grabbing in Kildare, and I tell you now, had I been in possession of the facts, the whole facts of the evictions that have taken place here two months ago, these evictions would never have been carried out as they were (cheers). If these people have been thrust from their homesteads created by their own industry, if there is wrong or injustice in their case, I shall particularly call upon every man here at this meeting to-day to hold up and place a protest against the unjust evictions, I shall call upon him by his soul to say that no wretch be found base enough to take that land or occupy it (cheers). Standing here, I publicly proclaim the lands of the Verschoyle estate from which these people were evicted, and I say that the man who takes that I will hold an indignation meeting at his door, if he were the Lord Duke of Leinster himself. I will teach him a lesson that has been taught his base, vile, miscreant class throughout Ireland. It is not the landlord, mark you, it is the men that the landlord that thrust these people out that he would have to step in and take their place. In the portion of Tipperary I refer to has been organised, there is no living man would even dare to think of taking a farm from which his neighbour has been thrust out; in fact, under no circumstances there to-day would a man take a farm from which another had been evicted,

justly or unjustly, and I think that is a healthy sentiment, and I think we have a healthy sentiment in Kildare, where we have the Leinsters, the Burrowes, the Latouches, the Verschoyles, and all the other land thieves of Ireland (cheers). Now, speaking of land thieves, you will remember what my good friend Mr. Lalor told you about the delegation of landlords to the Lord Lieutenant at ten minutes' notice, and I should like to see the representation that this meeting would send there to be received by Earl Cowper at ten minutes' notice in the 'presence chamber.'"

Stop there, and now go to page 25, line 16—"The concluding words of Dr. Cooke's letter"?—(*Witness* reads)—"The concluding words of Dr. Cooke's letter I will never forget, and I will read it to you. He says—'Irishmen take no pledge that you are not prepared manfully and honourably to adhere to.' I repeat that to you therefore before taking this pledge, and the man who proves himself false to it, I want you one and all to mark him down so that we may excommunicate him socially. 'In to-day establishing in Athy a branch of the Irish National Land League (the third branch in the county Kildare), we hereby pledge ourselves never to take, hold, or bid for land from which our neighbour has been unjustly evicted, never to work on that land, never to purchase cattle or crops seized for rent.' Now then I call upon every man to put his hand up (here all hands were held up). Now there is another duty belonging to the administration of that pledge. You may think perhaps that all you have to do is to separate and go to your homes after having given that testimony of your good will towards our cause. My fellow countymen, that is not enough. That pledge is simply the beginning of your work. You have heard here a moment since the president, the junior member for the county, nominated as president of this branch of the Land League. The gentleman from whose lips I heard to-day one of the most eloquent addresses that it has yet been my lot to hear at a land meeting in Ireland—Dr. O'Neill, vice-president; Mr. Timothy Byrne, treasurer; and my hard-working oratorical Mr. Cantwell, secretary. It is part of the duty of every man who held up his hand to give his name, his subscription, his rent, and his Government valuation, to Mr. John Cantwell, in order to become a veritable member of the Athy branch of the Land League. When you have performed that duty I will tell you then what it is our duty to do for you. When you have done that, and the branch that you are belonging to is affiliated to the national organization, we undertake to keep you in your farms and in your land (cheers). We undertake, with the assistance of your neighbours, to see that you will never be robbed by any landlord, good, bad, or indifferent (cheers). If we can, by all the means at our command, reinstate you without committing any overt act against an unjust land law, we will do it. If we find ourselves powerless to put you back into your holding, we will take good care that no man will take it over your head (cheers), and if it fails, and if you have no other means in the world of providing for yourselves, your wife and family, we will support them for you (cheers). And we will build you a house in sight of that of which you have been unjustly deprived, and we will support you there to guard it for the Irish National Land League (cheers). I trust, in conclusion, therefore, that this meeting will not dissolve without showing that these uplifted hands, these addresses that are poured from the platform, have not been unavailing, and for my own part I will use the one address of sincerity when pleading to our people of Kildare, and in earnest. I did not come here to make a speech. I came here commis-

sioned by Charles Stewart Parnell to establish the Athy Branch of the Land League, and I have done it (cheers)."

Would you go now to page 3 of the report of the meeting? I believe a Mr. John Cantwell acted as secretary at the meeting?—He did.

And did he read a letter from a Mr. James Redpath?—He did.

Will you read the letter?—(*Witness* reads) :—

"Dear Sir,—I cannot accept your invitation, as my duties detain me in Dublin. If I attended, I should only repeat advice I have already given, and urge :—1st. The social excommunication of every man who takes a farm from which a tenant has been evicted, and that his family should share his fate. 2nd. Non-intercourse with everyone who countenances such traitors to the people. 3rd. Refusal to buy any produce from them, or to sell them anything to eat, drink, or wear. 4th. Refusal to buy stock or furniture seized for the non-payment of rack-rents. 5th. Refusal to work for landlords who evicted or have evicted tenants, wherever the people can afford to do so. 6th. Refusal to agree to any adjustment of this land question, except by the establishment of peasant proprietorship. 7th. And above all, no bloodshed.

"Yours very truly,

"JAMES REDPATH."

There was a speech made by Dr. O'Neill at that meeting?—There was.

Go to the report of that—at page 4, and read the commencement of his address from "Friends and fellow-countrymen," on line 6?—(*Witness* reads)—"Friends and fellow-countrymen, a crisis such as frequently comes round in cycles, has again occurred in the history of our unfortunate country. It is a palpable fact that the hungry wolf is stalking abroad, nay, even at our very doors. In this neighbourhood, and in this parish, there are farmers, or rather people who once rejoiced in that name, whose capitals are exhausted, whose savings, hard sweat and constant savings, are spent, whose credit is gone, destruction and starvation stare them in the face, there is nothing but a wilderness of desolation before them. Suffering as keen and poignant, but fortunately not so widespread in its area, obtains here as much as in the black north, or the dreary west, and any time you can witness staggering over the bleak and arid hills of a neighbouring county as starved and careworn a peasantry as could at any time be found climbing the rocky hills of distant Donegal. These people do not stagger under the influence of potatoes, poteen, and idleness, for they have neither potatoes nor poteen, they stagger under the influence of hunger, absolute and unmitigated hunger (cheers). And who is he, may I ask you, who the other day traduced in an English newspaper the character of his countrymen when he stated they were satisfied to live on potatoes, poteen, and idleness." (A voice, "Down with Lord Cloncurry.") Dr. O'Neill continued : "Is it not the friend of the shipbuilders of the Clyde, the lover of the British artizan, the caterer of English larders, the bucolic Cloncurry (groans), whose real name I believe is Lawless, a most significant and for him an appropriate one (cheers)."

You may stop there. Would you go on to line 48, and commence at the words, "This year Providence was a good deal more bountiful?"—(*Witness* reads)—"This year Providence was a good deal more bountiful, the elements were more kind, the season more propitious, and the fickle river confined itself to its normal limits, but the withering, blighting hands of landlordism are plainly seen to abound everywhere in

that locality—(cheers)—aye, the blighting, withering hand of landlordism was spread forth to mar the effects of the Almighty's goodness. An inexorable agent cast these poor people forth before they could gather in their fertile luxuriant corn the flood had not reached, or dig their flowery potatoes to stop the gaping mouths of their starving children—(cheers)—and cast them forth exiles and waifs upon the face of the earth. But the time has now come when we must compel the landlords to yield or witness the sad spectacle of a fine population perishing helplessly before our eyes."

Stop there. Would you go on now to line 50—"No, I would not wish that anybody would imbue his hands"?—(*Witness* reads)—"No, I would not wish that anybody would imbue his hands in the blood of even a guilty landlord. I would not wish that any man would defile his hands by touching the hairs of his head, but I have another and better remedy—isolation." (There was some confusion on the platform, and on the ground amongst the audience, on this sentiment of Dr. O'Neill's being expressed. A number of voices dissenting from his views as to the treatment of the landlords.) One man on the platform, who was apparently slightly drunk, said—'I would not have that either'—that is isolation—"I would give them a piece of"——he was not allowed to complete the sentence.

Read on then, Dr. O'Neill's speech—"How is this isolation to be effected?"—(*Witness* reads)—"How is this isolation to be effected? By keeping the land grabbers in complete quarantine, keep them apart from you, shun them in the street, in the highway, in the bye-way, in the market, nay, even in the church (cheers). If you do that effectually, a short time hence the landlords will begin to see that it is for their benefit as well as yours that the present land system should be completely abolished, or wonderfully modified (cheers). I think, my friends, I have delayed you sufficiently long on the second portion of my resolution, and now, if you be not tired of me ('no, no'), I shall address myself briefly to the third; and that is, we cannot have peace in this country so long as the present land system (a voice 'certainly not') exists. I reiterate what this gentleman says, certainly not. How can you have peace while you are living among robbers? (cheers). Are not the landlords of this country, and have they not always been, robbers? (cries of 'always.') Have they not under the cloak of an iniquitous code confiscated the improvements of their tenants' lifetimes? Have they not robbed the country of its wealth and its resources, have they not robbed the people of their heart's blood, have they not robbed the Irish maidens of their virginity? (cheers.) Which among you is so ignorant that you are not acquainted with the habits of the noble lord of infamous memory——." (Cries of 'Down with Lord Leitrim.') Whose unwept and untimely fate must be within the recollection of you all. I will not dwell any longer, because I have too much respect for my female hearers to dwell upon this impure subject any longer. Now these landlords, with the spirit of a predatory band, determined to defend to the bitter end their ill-gotten goods. They had threatened to rise in armed rebellion against constituted authority if the Government moved one inch to deprive them of a tittle of their ill-gotten goods. On last Thursday a band of these landlords, and for what I know to the contrary, armed to the teeth, burst without notice and without ceremony into the very presence of Vice-Royalty, and so terrified that weak-kneed representative of Royalty, that to buy them away he determined at once that the people of Mayo and Galway should drink the last dregs of the cup of misery, and saddled them with the

expense of regiments of police, instead of ordering these fellows in manacles and shipping them at once to Barbadoes or some other pestiferous place."

You may stop there. Would you now go to the report of Mr. Richard Lalor's speech, on page 8, and would you commence that at line 3—"My friends and fellow-countrymen"?—(*Witness* reads)—"My friends and fellow-countrymen of the county Kildare, I heard before I came to Athy that the people of Kildare were satisfied with their present condition, that they were satisfied with the present state of the land question in this county (cries of 'No, no'), and I heard it from a high authority since I came to this town that there 'was' abundance of good landlords in the country. ('No, no.') Is there an abundance of good landlords in this country? (Cries of 'No, no, certainly not.') Your good archbishop, Dr. M'Cabe, if there is not an abundance of good landlords, must be greatly mistaken. I say for my own part I have lived a long time in this country, and I could not find out these good landlords. I have often heard of the good landlords of this country, but like 'Will-o'-the-Wisp,' wherever I went near the good landlord that I heard of I found that he disappeared, and that he got farther away as I went towards him, and I came to the conclusion that there was ne'er a good landlord in the country. (Cries of 'Right,' and 'There is not.') Well, my friends, I did not come here to abuse the landlords at all. I said often and will say now again, I believe if I were a landlord like them; I am a tenant farmer like yourselves, living by my industry; but I believe if I turned into a landlord that I would be as bad as the very worst of them. Now I have often seen within the last few years men like myself, aye, and poor Catholics too, they became landlords, and I believe they were some of the worst landlords in this country, our Catholic landlords who became landlords within the last twenty years. I am firmly convinced that it is impossible for any landlord to be good."

Stop there. Will you go on to page 9, and commence at the last line—"I believe myself"?—(*Witness* reads)—"I believe myself that Griffith's valuation is rather too high in a great portion of Ireland, and particularly on small tenants in agricultural holdings, but as it is, at any rate I would advise the tenant-farmers of Kildare for the future to pay no rent higher than Griffith's valuation. The landlords, of course, will tell you that I am a very dishonest man for putting such a notion in your heads, and if people act on it, of course they will say they are very dishonest; but no matter what you ask them for, if it was the least thing, they will say you are dishonest. Never mind about the dishonesty of the question. Reduce the rents in future; mind what they say. For the future the tenant-farmers of Ireland ought to pay no higher than Griffith's valuation; but at the same time (I am only going for the present) depend upon it that there is no land law that can settle this question that won't make the tenant-farmers of this country, the men who cultivate the soil, the owners of the soil. No matter what shape or form that you give to landlordism, it is not that it is bad or evil in itself, but that it is working evil, and will always work evil and degradation to the people who have to submit to the landlords. Mind, no matter what system of landlordism you have, there is no system like the system where men own the land they cultivate. There is another advice has been given to you here often to-day, and if you only adhere to it the landlords of this country will be nowhere, and that is this, if they come down upon any tenant, let you stand together, and do not take a man's farm that is put out for non-payment of rent. If a man

is put out for non-payment of rent, let his neighbours not run grabbing at it. I cannot believe that the men of Kildare have not spirit, and honesty, and patriotism enough to abstain from taking their neighbour's farm. No, my friends, the men that are capable of taking their neighbour's farm, and seeing himself and his children put out on the road, are not capable of liberty, they are capable of nothing; and I do tell you candidly that these land grabbers in the country they are worse than the landlords, and you would have no bad landlords in the country only for these land grabbers. The resolution that I came to propose and speak to I ask you, is not it an honest one? I ask you that you will take a pledge before you leave this that you will take no man's farm that is put out of his farm. Now, your Archbishop to-day, in his pastoral letter, appeared to be under the impression that the Land League, and I am a member of the Land League myself, that they were advising the people of this country to shed the blood of the landlands (cries of 'never'). Now, I must confess that I never heard such advice given, but on the very contrary, the Land League believes, without shedding a single drop of blood, if the people of this country have only virtue enough and manhood, that in spite of any Government and any landlord, and all the landlords put together, they will have their right before six months if they will only stand together like men. We do not believe it is at all necessary to shoot a landlord, and we do not encourage it, on the contrary, we deprecate it; but as I said before, we are not bound to go watching every poor fellow in the country that is driven to desperation. We are not going to watch and preach sermons to them. Let the men that drive the men to desperation, let them take care of themselves (cheers). I must protest against the Archbishop saddling us with the responsibility of every assassination that takes place in this country. He has no right to do it, no more than anyone else has a right to do it. They speak of this country, because one poor fellow of the name of Mountmorres was shot the other day (groans). Well, I would not like to be the man that shot Lord Mountmorres at all. I think it was a bad act, but I would like to know what fuss is made when a poor man is shot in the country. Why, if we take England, there is about five murders in England for one in Ireland, and where is the fuss made about the men that kill their wives, and children, and sweethearts, and all their friends in England; there is no fuss made about them, but because a man happens to have a title to his name, a great fuss is made about him. Well, as I said before, I think it is very wrong. The Archbishop said this country was steeped in the blood of these men. Where has it been steeped in the blood of these men? How many have been shot in this country, or deprived of their lives since this Land League commenced?—No, I am convinced that only for the National Land League there would have been ten murders to the one since it commenced, What we have, and what the Land League has to try is to show you another road besides shooting those men, because they are not worth shooting (cheers). Recollect who these poor wretches are, these landlords. They are foreigners."

Will you stop there; go on at page 12, and commence at line 5—"Mind you they had this system of landlords all over Europe"?—(*Witness* reads)—"Mind you, they had this system of landlords all over Europe. In France, up to a few years ago, until the year 1793, they had the landlords there. Well I suppose a great many of you heard of the French Revolution. The French people were a sensitive people, and they took a method of getting rid of their landlords that, un-

fortunately, we cannot take. No, my friends, we are not able at present to take the method that they took. I wish we were (cheers). I wish we were, and it is not here I would be to-day (cheers). No, we are not able, but we must take other methods, and I can tell you this, without fighting the Government, or without any revolution, or without any violence, if you stick true to each other, unite and organize in each parish a Land League, stand together to one another, do not allow the landlords to trample upon you, and I say as sure as the sun is shining on you this moment you will become the landed proprietors of this country before three years come about (cheers). All you will require, my friends, is union. Do not be jealous of each other. Do not be watching and saying, 'Oh, here is a fellow ready to go and take a man's land.' No, I do not believe there is any man here to-day ready to go and take anyone's farm. Do not do that; open your minds to each other. I will tell you a story. We have a landlord, he happens to live in this county. He will know who I mean. I spoke of him in the House of Commons, and told a story about him. He ejected a man here, a big farmer, holding about 100 acres down about eight miles off my place, on the 8th of February, and this man had built a fine house and place, and spent hundreds of pounds on it, and we went down and held a meeting there close to the land, and we pledged the people not to take the farm, and there happened to be a black cloud over it that day, and the black cloud hangs over it, and will until he goes back into it again himself. The Queen's County and no part of Ireland or Scotland has been able to furnish a tenant for it since, and I have no doubt the landlord will be very glad to take back the tenant he evicted last February. Now what I want to put into your heads is this, that if you come to the resolution not to take farms which men are put out of you will find there is a black cloud hanging over it, and if you point out this black cloud, no neighbours will take the land I am sure; but if any neighbour comes in, any stranger that does not know the circumstances of the place, always point to the black cloud that is hanging over this place, and they will turn their backs and go home with themselves."

Cross-examined by Mr. *Peter O'Brien.*

Now, look here, Mr. Stringer. That Dr. O'Neill, who made the long speech there, do you know that he was the doctor of the union?—I did, sir.

Did you know that he was the doctor of the dispensary there also?—I have heard so, and I believe he is.

And did you know that he was the doctor of the jail?—Not of my own knowledge.

Did you hear that he was?—I heard that he was the doctor to several institutions in Athy.

Now, Mr. Cantwell, you say, acted as secretary to the meeting?—He did, sir.

Did you hear him read a letter—a short letter—from the Rev. Mr. Doyle, who is the Parish Priest of Athy?—I did.

Was the letter to this effect, or perhaps you have it?—Yes, it is here (in printed report).

It was a short letter, to this effect—"Oct. 7th.—Dear sir, in reply to your urgent invitation to attend the land meeting next Sunday"——

The *Attorney-General.*—If you wish the letter read you must let the witness read it.

Mr. *O'Brien* (to witness).—Have you got the letter?—I have.

Then read it please, and keep up your voice.

Mr. Justice FITZGERALD.—You have no cause of complaint now; he is doing very well, uncommonly well.

The *Witness* reads.—"In reply to your urgent invitation to attend the land meeting next Sunday, I can only express regret at my inability to comply with the wishes of your committee, but I regret still more the necessity which has arisen for holding"——

Mr. *O'Brien.*—Very good; I ask you no more.

Mr. *Naish.*—You attended at the meeting at Westport, in the county of Mayo, on the 17th October, 1880?—Yes.

Did the traversers, Mr. Nally and Mr. Brennan, speak there?—Yes.

Did many persons attend at that meeting?—Yes. It was a very good meeting. I think there was somewhere over 5,000 people present.

Who was in the chair?—Mr. Arthur O'Malley.

Do you know what he was?—I heard it talked of, but I don't know.

Turn to the report of Mr. Brennan's speech at page 3, commencing at line 9, "Mr. chairman and men of Mayo"?—(*Witness* reads)—"Mr. chairman and men of Mayo,—It is gratifying to see that Mayo that first raised the banner of insurrection against landlordism is still in the front of the battle (cheers), and this meeting here to-day, composed as it is of representatives of the democracy of the country (cheers), will, I trust, be a fitting answer to the croaking prophets who have been foretelling a split among the working classes, who have been endeavouring to foster the idea that the interests of the labourers are antagonistic to the interests of the farmers. These men see that the wave of popular indignation is about to sweep them for ever from the land, and they endeavour to hold out a little longer by having recourse to the old tactics of divide and conquer. Their cause is hopeless, the handwriting is already on the wall, they cannot defend themselves, but they endeavour to set us at each other's throats so that we may waste all our energy in fighting one another (cheers); but thank God that game has been played out. The workers of Ireland now recognise that they have a cause in common, that they have a common enemy in the idlers and that it is the duty of all to join hands for the destruction of the power of these idlers (cheers). We can have no stronger evidence of the force and intensity of this movement than the fact that the landlords are endeavouring to array the farmers and the labourers in hostile camps (a voice 'they never will'). It is the last movement, it is the last move before capitulating, but it won't succeed. We have learned a bitter lesson in the past; we have learned that what our enemies could not accomplish while we were united was accomplished without their interference when we commenced to fight among ourselves, and you should be on your guard against any man who endeavoured to sow the seeds of disunion, whether that disunion be fostered in the name of liberty, in the name of law, or in the name of religion (cheers), whether the apostle of that disunion be the Lord Lieutenant of Ireland or the Archbishop of Dublin (cries of 'Away with them,' 'Down with them'). This meeting here to-day of the labourers and farmers and the artisans lays the foundation of a fraternal brotherhood of labour which alone can save man's right, and which guards man's right from the coercion of monopoly and the tyranny of capital (cheers). The labourers of Ireland have no enemy among their brother labourers. Their only social enemy is the class who do not work, but who insist upon receiving all the pay, and it is the interest of every man that works to join hands for the destruction of that class, and the destruction of the power of that class. (Here

Mr. Louden called my attention to the concluding words of the above sentence in which Mr. Brennan qualifies the language he uses, 'the destruction of the power of that class,' and some person on the platform said 'that is qualified.')"

Stop there. Go on to the next page at line 24—"You will remember that 12 months ago"?—(*Witness* reads)—"You will remember that 12 months ago when Michael Davitt and three others (cheers for Davitt), when Michael Davitt and three others were sent to prison, that was the time a certain high ecclesiastic in Dublin thought the moment opportune for to issue a political religious manifesto condemning this movement and casting contumely upon the men engaged in it. Further back still you will remember that when the brave men who risked all and lost all for their country, when the men of '65 were cast into prison (a voice, 'cheers for the men of '65'). Yes, cheers for the men of '65; for were it not for the men of '65 and '67 we would have no national opinion in Ireland to-day. When these men were cast into prison, the predecessor of this high ecclesiastic came forward with another manifesto, and without a particle of evidence charged these pure minded men, charged these pure minded men with the darkest of crimes (cries of 'He was a Government hack,' and 'To hell with him.') And now it is when the air is again thick with rumours of arrests that Dr. M'Cabe comes forward with his manifesto, in which he almost charges us with being the instigators and abettors of assassination (a cry of 'never') with a view no doubt of influencing the minds of the Catholic jurors of Dublin before whom we may have to appear for a verdict one day. But I believe the Irish people will not be intimidated by political manifestoes, come they from the Castle, or Cork-hill, or the Cathedral in Marlborough-street (cheers). Now is the time when the democratic principles of this movement will assert themselves. This is not a movement of men, and every man that has taken a prominent part in it up to the present may be cast into prison to-morrow, but our cause cannot be sent to prison. That cause is defended by the strong arms and the stout hearts of the people. Now is the time that you will see how necessary it is for you to follow the teaching which we have given you from the commencement, and that is to rely upon yourselves and not upon leaders (hear, hear). A leader or a number of leaders may be cut down or sent into prison to-morrow, and the cause that was depending upon leaders will fail with them, but the cause that rests upon the eternal principles of truth cannot be cut down (cheers). You have observed that what has most frightened the landlords is the combination which you have entered into; it is that lock that you have brought about, the combination that you have entered into against the payment of rack-rents, and the influence you have brought to bear to prevent any person taking a farm from which others have been evicted. Continue that and your cause is triumphant. You must refuse to pay a rent that you are not able to afford. I trust there will be no man traitor enough to his fellow-tenants to pay a rent that he cannot afford, and to leave his children to starve during the coming winter. You must refuse to take the farm of the evicted. You must let that farm remain there idle as a testimony to the fidelity of the people. But should there be such a wretch in the community found to deal in stolen goods, to make money upon the misfortunes of his countrymen, then you must visit him with the severest sentence of social ostracism. You must not allow your children to speak to his children. You must not deal with the baker who would sell him bread, or the butcher who would sell him meat. You must refuse to enter a house the threshold of which he would

be allowed to cross. You must leave him severely alone, and let him wither under a people's curse. This movement is in many respects similar to the great anti-tithe war which arose in Ireland some fifty years ago, and Mr.—(Interruption occurred here ; I could not catch the name); he says in the period of 1831 the amount of arrears for tithes alone was £104,000. Of that sum the Government succeeded in collecting £12,000 at a cost of £15,000. It is recorded somewhere during that period that a regiment of soldiers was sent to escort three cows to pound. This is the state of affairs that we want to bring about with regard to the collection of rack-rents in Ireland. The combination that destroyed one unjust tax will also destroy another. When you have that combination and when the people of Ireland will join, and for the next twelve months carry on this war which Connaught has almost single-handed carried on for the past twelve, before you hear the Christmas chimes of 1881 you will hear the knell that will herald the downfall of Irish landlordism (cheers). And the grave that will receive that, will also close over all the social evils that at present afflict our country. (Cheers.)"

Mr. *M'Laughlin.*—I want you to read a passage from the speech where Mr. Naish dropped, commencing "No person has ever come forward"?—(*Witness* reads)—"No person has ever come forward, no land reformer has ever come forward with a plan for the settlement of this question that he did not contemplate improving the condition of the labourers. For my part I would like to see every labourer a farmer, and every farmer a labourer (cheers). I would like to see, I would wish to see, the humblest labourer in the country as independent in his own house as Lord Sligo there below. (Cries of 'Down with him.') I would wish to see the man that toils and tills God's earth with a comfortable home, and secure in the possession of that home (cheers). I would wish to see him with a plot of ground and recognizing not the power of man to disturb him, and no settlement of this question will be considered final that fails to secure this to the labourer. No settlement of this question will be considered final that makes not land a free article of trade, so that the toiler after his hard day's work is done can think that by his prudence and his industry he may yet possess a part of that land which his labour has enriched."

That will do.

Mr. *Naish.*—Go to page 14. Mr. Brennan spoke again at the meeting, I believe?—He did.

Read the speech he made seconding the vote of thanks.

Mr. Justice FITZGERALD.—What page?

Mr. *Naish.*—14, my lord?—(*Witness* reads)—"I assure you that I have great pleasure in seconding the vote of thanks to our chairman which has been proposed by my friend Mr. Louden, and in doing so I would ask you to let not the enthusiasm which this meeting has worked up to-day to die out with the last strains of the band, the last strains of music, but that you will carry it into your every-day work for Ireland (cheers). If you carry on this great movement for the next twelve months as you have carried it for the past twelve, so sure as that sun will appear in the heavens to-morrow your cause will be triumphant. But I would remind you that your duty will not be done when you return to your homes this evening. The great work is not to be done at a meeting of this kind, but it is to be done when you return home to your fields and to your workshop. It is to be done when you meet at the chapel yard or at the crossroads on Sundays, and there have an interchange of ideas, and there form a combination for the assertion of

your rights. But in first doing this work you must never forget that there is a higher cause than even the land for the people—that we have a nationality, and that we should never fail to ask for the restoration of that great nationality (cheers). Seven centuries of oppression have failed to crush the national spirit, and it is not now when the horizon is bright with hope that we ought to give up the struggle for independence. It is the duty of every man now to work to make Ireland a nation; and when I say Ireland a nation, I mean no mockery of freedom, I mean Ireland mistress of her own destinies (cheers). Ireland with a national army to guard her shores—Ireland with a national senate—and Ireland with a national government that will know no higher authority than the sovereign will of the Irish people (cheers).

Go on now to page 15. I believe the chairman, Mr. O'Malley, made a speech?—He did.

Read it?—(*Witness* reads)—"I ask you now, each and every man of you, to look upon men as something above these slaves that landlord tyranny drove ye and yours to for the last 800 years. Ye have families and little homes, and will ye mind them, will ye let these landlord serpents and their satellites, and I see some of them here, will ye let them drive you to the roadside? It is all very good to hear such men as Mr. Brennan and Mr. Louden, but will you take their advice. Will ye go home and live by these honest men that have given their lives and their fortunes to save ye. Starve the landlords we must in this country. Do not be carried away by the eloquence of Mr. Brennan, but be carried back to your own humble little homes, where your children perhaps will have to lie all night, under what? a guano bag, and the guano that came home in them was not paid for yet. Tenant-farmers, if you do not be true to yourselves, the beast of the field should not be treated as these, If ye have hearts, and if ye have hands, it has happened before, but it will never happen again, and I ask ye, no matter who he is if he is with you heart and soul, be sure he is not your enemy and that he has the Government money in his pocket, I do not care what occupation he follows, watch ye all the slaves of the country, and the man who is not with you heart and soul look on him as a Corydon or a Talbot, for when the day comes he will sell you, and put the rope round your little ones' necks (cheers). Now, I do not want to detain you very long, but I will speak my mind freely and honestly, for I tell you I have nothing to lose but my life, and I never yet went into a cause but I went into it with an honest heart, and I never entered that cause if it was to lay my life down I was ready to do it. But mind, I do not want you to lose a life; God forbid! nor to draw blood, but I say this much, and I take the responsibility of it, and the man who would stand by and see the little ones turned out on the roadside without putting his breast before them, then he is unworthy to be called an Irish farmer, and the man that will meet these reptiles and takes off his hat, some call this courtesy. Will God bless the courtesy? I ask you men wherever you meet these, wherever you meet them look them with a narrow straightforward gaze, and tell them, 'Aye, slaves of our race, the blood of my father is on you; ye killed my father, ye banished my brothers, and ye drove our sisters to where beyond, beyond without a friend to protect them.' Come man, it is time for a father to stand before his little ones, and it is time for a son to stand before his mother, and it is time for a brother to stand protection to his sister, and I tell you little ones to-day there is some talk of arrests. Aye, for my part I do not care that much for it—I have a few little ones, they can live, and if I am arrested my last word will be raised to them—'Never stand on a platform, but go, my

child, sell your lives as dear as possible; do not yield one inch, for never will be peace, never be happiness in this country as long as there is one trace of a land shark and bailiff on the face and breadth of Ireland.'"

Read his further observations now?—(*Witness* reads)—"I have not come here to make a speech, but I have come to announce to you a very happy result, and that is that there is a tenant farmer, once a tenant farmer living within three doors of this platform, and unfortunately within the last three weeks he took a farm of land, or rather was going to take it. It is now my duty to announce to this meeting that the son of that tenant farmer has got authority from his father to announce to the public at large that he has given that farm up to Sydney Smith, and we can speak plain to each and every one to say as much as we have censured him for the last fortnight, and that when he has satisfied every man in this assembly, they will give him a cheer (cheers)."

Did anything happen at this stage of the meeting?—Yes.—(*Witness* reads)—"A young man named Patrick Murray, of Westport, here came forward, and having stated that the farm was taken without his knowledge, formally announced that his father had given up the farm on the day before (Saturday), and added, 'The curse of God to the affair.'

The announcement was received with great cheering."

I believe the traverser, Mr. J. W. Nally made a speech at that meeting?—He did.

Read it at page 17?—(*Witness* reads)—My friends and fellow-countrymen—I did not intend to say a single word here to-day. I came here specially to see to organize the people, to put them in military order; that is, by the people going in military order it will have more effect on this hated and detested constitution that we are under at present (cheers). It was only to-day I just went to take a ramble after breakfast with a well-known tried patriot. I went round the castle, the castle that the tenantry and those that are banished years ago from the land erected. I only went round, and I saw lord this and another "just ass" along with him. Well, I suppose it was nearly time to bring those poor police that had to come several miles, the money out of their own pockets, they had to protect some land shark or grabber, I was not outside the gate when I could see a dozen coming down. 'Oh! Nally's pills is going to blow it up' (cheers), along that avenue that he paid £20,000 for, that was lying in the hill, but he did nothing for the starving tenantry throughout Mayo. No, he spends it in the back lanes and slums of England and every other place. I do not begrudge him, surely, but boys and Nationalists, I tell you we are not going over to England, and the yellow boys can go home and send them back again to them. We will keep a firm grip. I tell you to unite and organise, but without unity of action and organisation we cannot get total separation from these blasted scoundrels (cheers). My friends, I do not care for a cheer or a 'hear, hear.' I want to bring home these words, I do not want ye to go and spend your money in porter or whiskey, I want ye to go and buy some of the doctor's pills, mind they will have more effect than anything else (laughter)." He again addressed the people and said: "My friends,—Ye have listened to me patiently, and I tell you altogether on this occasion to allow anyone who will accompany me that you will make way. Of course, ye have made allusion to a gentleman called Mr. Stringer, and he is here doing his duty, and I am here doing my duty, and he is to tell the Government and the Castle how the people feel."

Cross-examined by Mr. *Curran*.

Was this the first occasion on which you made Mr. Nally's acquaintance?—No.

You had known him sometime previous?—Yes.

And you came to the conclusion that he was not quite so ferocious as the learned Attorney-General endeavoured to make out?—I came to no conclusion at all about it.

Did you know him very well?—I did; I found him very courteous.

And he came to the conclusion you were not half as bad as you looked. I believe you often saw him take an honest glass of grog?—I did see him drink something.

I believe there is no harm in saying you took a drop with him yourself, after the dry work of reporting?—Yes.

That reporting is dry work when it is not raining?—Yes, it is at times dry.

I believe Mr. Nally's speeches were very frequently accompanied by laughter?—That was the first time I ever heard him make a speech.

But there was a good deal of laughter?—Yes.

At what stage of the proceedings did Nally speak?—He was the last speaker.

Now, Jeremiah, is that a fair account of it?—It is.

Had not the chairman left the chair?—Technically, he had.

No, but bodily?—There was no chair there at all.

You have me there. I believe the moment Nally appeared the crowd gave three cheers for "Scrab" Nally?—I cannot tell; I believe that was the way he was called.

The chairman had technically left the chair [on which he was not sitting, and I believe Brennan had left the meeting?—No; all were on the platform when Nally spoke.

Were not all of them leaving the platform when Nally came forward?—Oh, yes.

There is no doubt about that. Is not he well known through the country as a roystering sort of fellow who likes a glass of grog now and then?—Yes, very well known in the west of Ireland.

Is he known as "Scrab" Nally?—Yes, perfectly well known.

And as a man who very frequently takes an honest glass of grog?—Oh, yes, I know that.

Did you ever see as an expert how much he was able to hold?—Oh, no.

How many glasses of grog were you able to take with him at a sitting?—I never took more than a half glass of whiskey with him at a time.

Which was it "Scrab" treated you or you treated "Scrab"?—I believe there was an interchange.

Scrab would not be insulted with a half-one: he never went in for half-ones?—I saw him drink half-ones.

Didn't he go in for a whole one when you took a half?—No.

How long are you in the force?—14 years.

I see three stripes on your arm; how long have you them?—About three years—I beg your pardon, about two years.

How long ought a man be in the force before he rises from sub-constable. I am not referring to you at all now, Stringer?—I know, sir, you are not. Some may be longer than others.

Men of good conduct and education, I suppose, rise faster than others?—Recently there has been an improvement in that direction.

In consequence of letters in the *Freeman*?—No. I don't think it.

Is not eight or nine years the outside limit for a man of good conduct and education?—No. I should say an average would be twelve years.

Very well.

Re-examined by Mr. *Naish.*

Did you hear any disapprobation expressed at the observations made by Mr. Nally?—No; I did not.

Mr. *Curran.*—As a matter of fact were they not received with laughter, as you stated yourself?—They were.

Mr. *Naish*—I believe you attended at the Kilmallock meeting held on the 24th October, 1880?—I did.

The traverser, Mr. Michael O'Sullivan, spoke at it?—He did.

And you reported Mr. O'Sullivan's speech?—I did.

Go to the report of the speech at page 2, commencing line 33: "It is by doing away with that system"?—(*Witness* reads)—"It is by doing away with that system which has impoverished, which has robbed, which has demoralized the people, that hideous infernal system of landlordism which has been a burden upon you and upon your fathers for ages and for ages. You must do away with that system. You must make every man who tills the soil, and earns from it his daily bread; you must make him the proprietor and the owner of that soil he tills (cheers). We have been told that landlordism is not a thing intrinsically bad.

"*A Voice.*—'Down with the beggars—shoot them.'

"This cry was immediately condemned by a clergyman, and Mr. O'Sullivan continuing, said:—Do not do that. You do such a thing at the present stage of our movement, even though a man considers he is doing what is right, and even in accord with the eternal justice which recognizes self-preservation, the man that does such a thing at the present stage of our movement does what is impolitic and wrong."

You may stop there. Go on now to page 6, and commence at line twenty-three.—"It is a dream worth fighting for"?—(*Witness* reads)—"It is a dream worth fighting for. It is a dream which we should try by every and any means in our power to realise. It will not do to come to meetings and to cheer. That is only the first step in the onward march We have come here to-day, you have cheered the various speakers, remember that that is not enough, remember that you must band yourselves together in one grand union; that you must organise yourselves in branches of the Land League; that, above all, that you will look to each other, that you will assist each other, and that you will not be those slavish men that you hitherto have been to landlords and other people. If you wish to pay rents to landlords, go to them as man to man, offer them a fair rent, come together among yourselves, propose that, if the landlord does not accept it, go home and look to the interest of your wife and family first (cheers). Look to the shopkeepers who have fed you and your children, pay them, and if you have anything left after allowing yourselves a fair profit on your capital, give it to the landlord. Then, if any man is to be evicted, let no man take that farm, let no man take the goods, the cattle, or the produce sold for the rent. If no man takes the farm, we will make it desolate and idle to the landlord, if it is not useful to the bread producer (cheers). If no man buys goods, or cattle, or produce sold for rent, the landlord and the sheriff may hold the sale, but they will realize nothing. If you adhere to that, landlordism can obtain nothing for rent. No Government can prosecute you for not going and bidding at a sale; no

Government can prosecute you for not taking a farm from which another has been evicted; no Government can prosecute you for shunning the man who, traitor-like, does so; no Government can compel you to go and shake hands with him, no Government can compel you to go and buy or sell to him, no Government can compel you to sit by him even at the place where we go to worship our God. If you shun such a man, if you look at him as if he had the word 'traitor' printed on his forehead, if you do that, if you watch how that man goes on through life, shunned by his fellow man,—hated if you will—for his cowardice and his traitorism. If you look at him in that way believe me he will be a model and you will find very few to be like him."

Mr. *Naish.*—Read the next line?—(*Witness* reads)—"It is, my friends, in this way, and in this way only, that you can strike down landlordism."

Mr. *Adams.*—That was a very long speech, an exceedingly long speech?—Yes.

I will ask you to read two or three passages—Now look at page 4, line 28, commencing, "Mr. O'Sullivan—Now what is the system"? (*Witness* reads)—"Mr. O'Sullivan—Now, what is the system that we must substitute for it? We are going to substitute a system by which every man who tills the soil will become the owner of the soil he tills. Such systems have been established in every other civilised country in Europe. Such a system has been established in France; such a system has been established in Prussia; such a system has been established in Switzerland, in Belgium, in the Channel Islands; even in Russia where we had serfs, the force of public opinion compelled the Czar, the greatest autocrat in the world, it compelled even him to give the lands to the people. It is only in Ireland—Ireland that is looked upon by the rest of the world as poor, as mendicant, as ignorant, as apathetic—it is only here that the system obtains."

Now turn to line 12, "However, we do not advocate"?—(*Witness* reads)—"However, we do not advocate these measures. We advocate a peaceful solution such as happened in Prussia after the French Revolution. The Prussian nobles, having a very salutary lesson before their mind's eye, seeing what happened the French nobles, considered the words before, when they saw the people assume a bold position, and said, 'You may let them have the land by giving a certain amount of compensation.' That is precisely what we want to do with the Irish landlords to-day. We say to them, 'Place one thing strongly before your mind's eye, you must give up the land. We offer you twenty years' compensation.'"

Now, go about ten lines down—"There is a man in this crowd"?—(*Witness* reads)—"There is a man in this crowd. His valuation is now say a hundred pounds, and if his valuation is a hundred pounds his rent is nearly two—that is the average. We offer that man twenty years' compensation—that is two thousand pounds. Two thousand you can pay interest on at 3½ per cent, that is three times—that is £70 instead of £200. That is, your rent will be reduced by our scheme from £200 to £70 a year; and if you wish to become owners in fee for ever, we say, pay 5 per cent. for thirty-five years—that is five times twenty—that is to be the valuation for thirty-five years, and you become owners of your own land. That is the scheme—my scheme."

Mr. *Naish.*—What number of persons attended at this meeting?—About 8,000.

You may go down now.

Mr. *Adams.*—Before you go down—the chairman at the Kilmallock meeting was a clergyman?—He was.

And there were several other priests there?—There were.

And many of them spoke?—Yes.

The Rev. Mr. Sheehy and Rev. Mr. M'Kenna spoke?—Yes.

I suppose at all these meetings that you attended and reported there were a great many priests?—There were.

And Poor Law Guardians, Town Commissioners, and persons holding official positions of that kind?—Yes.

And an enormous number of letters and speeches were delivered at these meetings?—At some there were no letters, and at others there were a great many.

And generally there was a great number of speeches delivered?—There was.

Acting-Constable EDWARD LAVENDER sworn and examined by Mr. *Molloy*.

You are an acting-constable of the Royal Irish Constabulary?—I am.

And a shorthand writer?—Yes.

Did you attend a meeting at Ballyglass, county Mayo?—I did.

On the 13th June, 1880?—Yes, sir.

Did you take a shorthand note of the speeches?—Yes.

Now, have you compared the shorthand notes with the print in your hand?—I have.

Is the print a correct copy of it?—It is.

Were the traversers, Nally and Gordon, at that meeting?—They were.

Did Nally make a speech?—He did.

Turn to page 8, and read what Nally said?—(*Witness* reads)—"Well, my friends and fellow-countrymen, it is quite time since I proposed the resolution that is in my hand now. That resolution is not worth the paper on which it is written, because it has not been acted upon. Now, most of you in Irishtown, Miltown, and other places. The most enthusiastic party were those who had bid for it at the time (groans). This resolution, that I proposed, that no man would take another man's land. That is fifteen months now, and it has not been digested yet. There"—There is a break here——

What do you mean by saying that there is a break?—Well, I lost a word or two perhaps.—(Continues to read)—"Want to be an injection. Like a doctor. If one pill does not do, to administer a dozen to help them to operate. The Peace Preservation Act is abolished altogether. That each of you can have a licence for 10*s*. Well, by paying 10*s*. licence you can shoot the whole year round. The Act is this, that you can shoot jackdaws, magpies, the vermin, and the nuisance (Voice—'The police.') Don't shoot the police, and the landlords and land grabbers are not brought under it. (Laughter.) I am not telling you to shoot, but I am telling you that you can do it if you like. There is only ten shillings licence for the whole year round. You will have to pay three pounds for game, but the other applies to the vermin line. It is useless to be proposing resolutions when we have such scoundrels amongst us. Without unity we cannot get rid of the land sharks and the land grabbers. I would not be one bit surprised if there were some of them in your midst. I will just commence with the resolution which I did before, but it did not operate. I hope for the last time there will be some effect. (The speaker then read a resolution condemning the conduct of any person who would take a farm from which a tenant had been evicted or surrendered on account of rackrent, and compared such conduct to that of the robber soldier who pierced the heart of Christ. He concluded by saying)—I hope that resolution is not taken away for nothing.

The parties that did not come here you will tell." (Owing to the crushing and noise going on about me, I failed to get a full note of it, but I have the substance of that resolution.)

Who was the next speaker after that speech of Mr. Nally?—Mr. Gordon of Claremorris.

Read the commencement of his speech?—(*Witness* reads)—"Mr. chairman, ladies, and gentlemen, and patriotic brothers of gallant Mayo, I am proud to have the honour of addressing you from this platform here to-day. You know what brought us together, in consequence of the pledge we have made fifteen months ago on the platform of Irishtown, when the doctrine of the Land Question was first preached to you. You have been told there by honest and determined men 'to hold a firm grip of your homesteads,' and I repeat to you the same words here to-day. I tell you, if you don't hold a firm grip"——. There is a break here.

What is the cause?—I lost some of the words. (Continues to read)—"God himself has said, 'The land I have made for my people to live on and earn your bread by the sweat of your brow.' The landlord may tell you that the land does not belong to you but to himself. If you band yourselves together that you will not allow to deprive you of your joint rights, and declare before high Heaven that the National rights and natural rights which God has given you must be maintained, and I declare it here, that it is better to die fighting for the land of your birth than to die a pauper in the workhouse. I am determined to rise up if that crisis should arrive. Let the mother teach it to her daughter, that God has created the land for you to live on. He has created for a class, this class of robbers that tells you that the poverty of Ireland is owing to the extravagance of the people. And I regret to say that within the body of my own church that has been taught. No word of condemnation has been said against the land robbers who bring the earnings of the poor to London, Paris, and elsewhere, and spend it in"——. There is a break here.

Why?—I failed to catch some of the lines. (Continues to read)—"We are told we are teaching Communionism"——

Is that the word Mr. Gordon used?—Exactly. It is. (Continues to read)—"Nihilism, and not one word has been said against the three great isms, which has ruined our country—landlordism, blackguardism, and promoting pauperism (cheers and laughter). It is the landlords that has left you paupers. They say that it is Providence, I say no, because the landlords in previous years came and pressed down upon you, and you were not able to bear up against the load. Repeat that pledge here to-day, made twelve months ago, that no man will take the land from which another tenant has been evicted. I am afraid there is some land grabbers amongst you. I have received a letter. I have seen him on every platform, although I have looked upon him as a sneak and a rogue"——

That will do. Turn to page 10, line 27—"I will allude again"?—(*Witness* reads)—"I will allude again to the system of land grabbing. You know that your friends have travelled miles and miles to promote the interest of the tenant-farmers. I myself have travelled the three counties of Mayo, Galway, and Roscommon"——

That will do. Go down to line 41—"Now, my friends"?—(*Witness* reads)—"Now, my friends, I hold a document in my hand. It refers in strong language to the land sharks, land grabbers, and robbers. You can put them on the ring as Brown, Jones, and Robinson, as the landlord robber, the sneaking agent, and the rogue of a bailiff (laughter). The

name of every land grabber will be published, the name of the place he lives, how many young ladies he has to fortune off."

That will do. Now turn to page 11, line 27—"When we tell the people"?—(*Witness* reads)—"When we tell the people to pay no unjust rents to the land robbers—aye and not to pay (or obey)"—I cannot say whether the word used was "pay" or "obey." It must have been the one or the other; the characters that represent it in shorthand are exactly similar, except that one is lighter in the stroke than the other, and standing in a crowd I could not do so accurate as that.

Mr. Justice FITZGERALD.—Go on?—(*Witness* reads)—"Aye, and not to pay (or obey) the Government of England or any other Government which is inclined to rule you with an iron hand. If you are evicted, the Land League will assist you. They have formed a most determined resolution. Will place them in a cabin at door of the former holding."——

Mr. *Molloy*.—Now, did others address the meeting before that?—Yes.

Mr. *M'Laughlin*.—Now, commence at the sentence, "Will place them in a cabin at door of the former holding"—where you were stopped by the Crown—read on to the end of that passage?—(*Witness* reads)—"Will place them in a cabin at door of the former holding. If you be determined, honest men, the hour of Ireland's delivery will be at hand—Ireland a nation, great, glorious, and free, first flower of the"——

That will do. We know the rest of it. Now, complete the sentence that you will find at the bottom of page 10—where you stopped, line 44—"The name of every land-grabber will be published, the name of the place"?—(*Witness* reads)—"The name of every land-grabber will be published, the name of the place he lives, how many young ladies he has to fortune off"——

That's where you stopped before—now, go on?—(*Witness* reads)—"That every young man who has an honest Irish heart will leave the young ladies on their hands (a voice—'You are married')."

Who said that?—I believe it was Mr. Nally. (Reading)—"Speaker—Mr. Nally is going in for a land-grabber's daughter. If the land-grabber is not afraid, he might get ashamed of his conduct. Now, my friends, you know that the greatest enemies we have is the land-grabbers. The greatest land grabbers is the priests' brothers and the priests themselves. The name of the parish priest that resides in Clare-morris and his brothers and curates will be sent round. It may be said that we have no right to speak of our priests. I am not speaking of all priests. We have good priests in the Church."

You did not go into the courting dispute further than that?—No.

You said sometimes you were so situated that you could not take a full note?—I did.

Quite right. Then you left a gap when you could not hear?—I did where I lost a word.

Just as where you would lose a sentence as the best reporter would do now and then—of course if you were working for a newspaper you would fill it up and make perhaps a better speech than the speaker—when you did lose a word you did just as if you had lost a sentence—you left a blank?—Yes, where I knew I lost a word or a sentence.

Of course—you have your notes here?—I have.

You have also the transcript you made from the notes—the first, you know?—I have not. I have not it here.

Were you here yesterday?—I was.

Did you hear some talk about that original transcript being the thing

people would like to see when Constable O'Rorke was examined?—I was not here when he was examined.

You didn't hear about that, did you?—I did.

That the fair copy was not what was wanted?—I did not hear exactly what it was about.

I suppose you would not undertake to give an average speaker fully?—Some speakers I would.

Yes, a slow speaker—a speaker who pauses between his sentences?—Yes, I would report that.

A deliberate speaker is easily reported, but an ordinary speaker you would have great difficulty in "swearing," mind you "swearing," word for word to?—I would not do it.

Now look at Gordon's speech, page 10, line 2, if you please—"Though we are charged"?—(*Witness* reads)—"Though we are charged daily by the Government, but not one word said about the crime committed in England. We have a letter from one"—

There is a break there.—(Continuing to read)—"He says that the cause of the poverty is because you hold these meetings through the country. We all know when the question was taken up some time ago, when you were forgotten by the landlords, and your brothers in a foreign land would forget you. Like the people in '48, you would be allowed to perish by the roadside, without a coffin to cover you. I have seen myself, in the town in which I have been born, the people perish, and buried without a coffin. The landlords were obliged so far, that they could not get a coffin for you. I say, my friends, that I would take it as a choice to die fighting for the rights of my home than to die in the workhouse."——

That will do.

Mr. *Molloy*.—Read on.

Mr. *M'Laughlin*.—Certainly, if you like?—(*Witness* reads)—"If you were right you would proclaim on every platform that this land is ours and that we are determined to maintain it. ('So we are.') Lord Oranmore and Browne—he has spoken in the House the other night and condemned the Irish people. No doubt it is a policy of his to condemn the Irish people. If Lord Oranmore never returns again to Ireland, Ireland will not mourn his loss. Perhaps he might some fine morning oblige Ireland by cutting his own throat like Lord Castlereagh."

Mr. *Molloy*.—That will do.

Mr. *M'Laughlin*.—Very well. Then he states he wrote strong letters to the Lord Lieutenant?—Yes.

Did it strike you, Mr. Lavender, that this was a very well educated and well-informed man?—I believe he is not.

Do you know the name of the Catholic Archbishop of Cashel?—I do.

I believe he called him by the name of Archbishop Croker?—He did, precisely,

He did not know his name. I see that in page 11, it is—"We have Canon Doyle and we have Archbishop Croker (laughter)"—read that.

Mr. Molloy—Begin at the top of the page.

Mr. M'Laughlin.—I am in your hands.—(*Witness* reads)—"We have Canon Doyle and we have Archbishop Croker (laughter). (This laughter was caused by the speaker's ignorance of the name of the Archbishop of Cashel, Dr. Croke.) And that is the boy that croaks some of the landlords (renewed laughter). By all means in their power get rid of landlordism. The parish priest of——, Father Ryan, that he did not care whether it came from the Pope, Cardinal, or Bishop, or any other authority, that the land belonged to the people. It was

not the teaching of the Church; if it was I would never enter that Church again (cheers). It may be, as I said before, the teaching of some individuals in the Church. The Church can only teach one way. 'You cannot go to that meeting because all there are Fenians,' if that be Fenianism all Ireland is Fenianism to-day; if it is Fenianism to tell the people that the land belongs to them, I am a Fenian."

That will do. He spoke also of "communionism" meaning Communism?—He did.

Did Nally speak on that occasion?—He did.

Did he speak at the end of the meeting when the chairman went away at the usual time, or before the chairman took the chair?—The last man I have on my notes is Mr. Daly. Mr. Daly spoke last.

Very well; there was great fun when Nally was speaking?—Yes.

How many meetings did you report?—I don't know the number.

A dozen?—Far more.

As ordinarily happens in these cases, there was a good deal of shoving about?—There was a lot of shoving about.

That does not help a man to take a note?—It does not.

Even Mr. Gurney's staff would find a difficulty?—Yes.

Mr. *Curran.*—Do you know the people in the neighbourhood there, constable?—Do you mean ——

In the neighbourhood of where this meeting was held?—I do not.

Do you know that all the people who attended that meeting were from the immediate neighbourhood?—I believe so, or very nearly so.

And it was in no way connected with the Dublin people; none of them were there?—I could not tell you. There was one from Dublin, a Mr. Quinn, but he originally belonged to that place.

But as a matter of fact, was not that a local meeting to express dissatisfaction with some evictions that had recently taken place there?—I believe so.

Well now, how soon after Nally made that dreadful speech, did you send a report of it to the Castle?—I wrote it out and sent it up a few days afterwards.

And they had it about the end of June?—Yes,

Was it at that meeting that Nally said, many a good son reared a bad father?—I do not remember it. It was not at that meeting.

Perhaps you did not catch my question.

The *Attorney-General.*—He read the whole speech.

Mr. *Curran.*—I don't know whether he did or not. *Witness*—I don't recollect it, and I have not it on my notes.

Would it be possible?—I don't know but it would.

Did you ever test Nally's capabilities as a drinker?—Well, not to any great extent.

But you and he have had a glass of grog together?—Indeed we had.

I believe Nally has always been a great friend of the police?—He has shown himself always a friend.

It is well to have a friend in Court, and you showed a corresponding friendship towards him?—Yes.

And treated him as he treated you?—I hope so.

You have told us there was a great deal of crushing?—Yes.

Was there not a great deal of noise?—Yes.

You could not catch the resolution?—Some of it.

And some of the terms you have in his speech might not have been used?—I have not a word in this print but what I found in my notes. If there had been more it would have been in.

I am sure of that. Did you hear cheers for Scrab there?—Well, indeed, I am sure there were.

Mr. *A. M. Sullivan.*—How long have you been reporting shorthand, constable?—I have been attending these meetings for about a year and six months.

Were you in the habit of reporting public meetings previously?—No.

These were your first experience in reporting public meetings?—Yes.

Are you a native of that part of the country?—Not from Mayo.

What part?—Roscommon.

Did you make a record of your notes—have you your notes here?—Yes.

The original notes?—Yes.

Would you show them to me—about this meeting, first tell me, at Ballyglass. Tell me have you recorded there anything but the speeches—did you record the names of the people on the platform?—No; only those who spoke.

Did you record the name of the chairman?—Yes.

Were there any banners there?—There were.

Was there anything objectionable on the banners—did you note anything particular?—I have here a description of one—it had on it "Down with Tyrants"——

Very good?—And "God save Ireland."

Good, very pious. Well, was there a picture on it?—I have no account of that. I took no notice of it.

Show me that, please, constable?—(Witness handed his shorthand notes to counsel.)

When did you make the corrections in this in longhand?—When I was comparing it, sir.

How many days afterwards was that?—I dare say it was months afterwards.

What did you compare it with?—With a proof—with printed matter—the printed report of the meeting.

Who gave you that printed matter?—I got it from the Castle. I could not say who brought it.

Then you compared your shorthand notes and corrected them by the printed proof from the Castle?

Mr. *Molloy.*—He does not say he corrected them.

Mr. *Sullivan.*—I beg your pardon.

Witness.—I did not say that I corrected my notes with the printed proof.

Then you did not understand my question, you said you corrected your notes by the proof?

Mr. *Molloy.*—He did not.

Witness.—I did not say that. I did not make any corrections in my notes. I merely put words in longhand where the characters were inaccurately drawn.

How do you know they were inaccurately drawn?—I knew from the form of the symbols.

Had you any doubt about the symbols?—If I had I would not have read them.

Had you any doubt about the words the symbols expressed?—I had not.

Then why did you write it out in longhand?—In order to make it more legible.

Then would not the shorthand symbol, if legible when put in, be as legible as the longhand?—It would, if accurately drawn.

Then it was merely because these were inaccurately drawn that you put in the longhand?—Yes.

In the course of these months did you read any of the newspapers?—Yes; I read the newspapers every day.

Did you read the report of this meeting?—I did. There was very little of it reported.

Now, is there anything written in there in longhand except what was not, as you say, a legible symbol—are there any words put in there that there are not symbols for?—No.

Go over it. Is there not half a sentence put in there in longhand—five words in longhand?—I don't know where you mean.

Look at that page—isn't it so—that there are words put in?—They have been written in long hand over the shorthand characters underneath.

Then there were two or three illegible characters?—They are all joined together—the three characters are joined together.

Did your recollection of what you heard come to your help at all in putting in these characters?—Well, it would.

Months afterwards?—Not months afterwards.

That is all.

Mr. *Molloy*.—Now turn to page 10, the last line, and begin and read it to me, "Now, friends"?—(*Witness* reads)—"Now, my friends, you know that the greatest enemies we have is the land grabbers. The greatest land grabbers is the priests' brothers and the priests themselves. The name of the parish priest that resides in Claremorris and his brothers and curates will be sent round. It may be said that we have no right to speak of our priests. I am not speaking of all priests. We have good priests in the Church. We have Canon Doyle and we have Archbishop Croker (laughter). (This laughter was caused by the speaker's ignorance of the name of the Archbishop of Cashel, Dr. Croke.) And that is the boy that croaks some of the landlords (renewed laughter). By all means in their power get rid of landlordism. The parish priest of"——

Did you catch the name?—Yes, Father Ryan, was the name mentioned—"Father Ryan, that he did not care whether it came from the Pope, Cardinal, or Bishop, or any other authority, that the land belonged to the people. It was not the teaching of the Church; if it was I would never enter that Church again (cheers). It may be, as I said before, the teaching of some individuals in the Church. The Church can only teach one way. 'You cannot go to that meeting because all there are Fenians.' If that be Fenianism, all Ireland is Fenianism to-day; if it is Fenianism to tell the people that the land belongs to them, I am a Fenian."

Mr. Justice FITZGERALD.—We will now rise for half-an-hour.

The Court then adjourned, and on resuming,

Mr. *Molloy* (to witness).—You attended the Monasterevan meeting on the 20th June, 1880?—I did.

Did the traverser, Mr. Boyton, attend that meeting?—He did.

And made a speech at the commencement of the proceedings?—He did.

Turn to page 8.—Did Mr. Reddington make a speech?—He did.

Was Mr. Reddington introduced to the meeting by Mr. Boyton?—Yes.

Just read what Mr. Boyton said in introducing Mr. Reddington?—(*Witness* reads)—"Gentlemen, the resolution you have heard proposed and seconded, will be supported by Mr. Reddington, Queen's County.

The man who took his cattle and marked them rack-rent, and brought them into the streets of Maryborough." (Cheers.)

Read out Mr. Reddington's speech?—(*Witness* reads)—" Men of Kildare, I must congratulate you on the pluck you have shown in coming here to-day in spite of every influence that tried to prevent you. It is rather late in the day now for speaking. You live in the days of combination. My words shall reach not the bounds of Kildare, but of all Ireland. If all Ireland will not combine lawfully and peaceably, the day will come when you will be wiped off the face of the earth. There is only one way. The Government, of whose promises you have heard so much and performed so little. They are now in power, and what do they purpose to do? (A voice—'Nothing.') Save yourselves. And if you do not save yourselves, the Government will not save you. The way in which you are to save yourselves is this: By legal open combination. Every trade has a combination. Every trade combines together to protect their own interests. Join the Land League to save yourselves. And where in parts of this country the tenantry are evicted, or about to be evicted, the rents should not be paid."

That will do for the present. After Mr. Reddington did Mr. Boyton make a second speech?—Mr. Boyton came forward then.

Go to page 12, line 1.—(*Witness* reads)—" While I am doing business here talking about the Land League, dozens are behind my back pressing me to read cases of landlord injustice to you. Already I myself, in my official capacity as Secretary of the Kildare Land League, have scores of cases against landlords in this county, one-and-twenty cases of the grossest injustice."

Go to line 26 on the same page, and begin " Mark me."—(*Witness* reads)—" Mark me; there is not to-day a grand old park in all Ireland surrounded with walls and stately trees, there is not one of them that the man that claims to own, could produce a title deed that is not stained with blood and robbery."

That will do. Go to the next page—page 13, line 11: " Men of Kildare."

(*Witness* reads)—" Men of Kildare, I wish to tell you this: that these meetings are not held for the purpose of treating you to fine language or oratory, or rousing your feelings or your cheers, which are the best proof that you are in earnest. In the name of God, and in the name of his country, and in the name of the welfare and future happiness of his wife, children, brothers, and sisters, and every honest Irishman who is here present, and who will stand by my words that fall from my lips, I ask him to follow me. 'We, the people of Kildare, to-day assembled, hereby pledge ourselves never to take a farm, or the land from which our fellow tenant farmer has been evicted for non-payment of an unjust rent, or which his means, his labour, and property have been confiscated by his landlord. We pledge ourselves never to bid for or take that farm. (A voice, 'Never.') Now then every man who can take that pledge in the sight of God hold up his hand. (Hands were then held up.) I thank the Almighty God that is the vow of Kildare—you will stick together now—you have already formed a branch of the Land League. I think there were a thousand hands held up, and if he comes to me, I will fight his landlord wherever there is the smallest shadow of injustice. (Hear, hear.) I regret to-day that the National Land League could not send a man here to explain to members all their objects. But they told me, 'In your native country you want no help.' Therefore men of Kildare, I have here to-day by authority of my office, as representative of the Irish National Land League, I declare a Monasterevan branch of the

Irish Land League formed. Any man that means what he says, has only to come to the secretary and hand in his name. He will have my help and the help of my friends, as far as twenty or thirty thousand pounds go. (Mr. Boyton here retired, but came forward immediately after.)"

Cross-examined by Mr. *Dillon*.

Go back to page 8, look at line 30.—"The way in which you are to save yourselves is this."—That is Mr. Reddington's speech at the meeting?

Mr. *Molloy*.—He has read that already.—(*Witness* reads).—"The way in which you are to save yourselves is this: By legal open combination. Every trade has a combination. Every trade combines together to protect their own interests. Join the Land League to save yourselves."

Now go to page 4, Mr. Boyton's speech.

Mr. Justice FITZGERALD.—You mean his first speech?

Mr. *Molloy*.—Yes, my lord.

Mr. *Dillon*.—(To *Witness*). Look at line 5, "resolved." (*Witness* reads).—"Whereas the social condition of the Irish people having been reduced through their subjection to England, and its coercive legislation to a state below that of any civilised country in the world. And whereas the mouth of English public opinion, when speaking of constitutional legislation declared, that 'governments should be for the good of the governed, and that whatever rules wilfully and persistently postpone the good of their subjects, either in the interest of foreign states or to assist theories of politics, such rules thereby forfeit all claims to allegiance.' Be it therefore resolved, that we Irishmen assembled to-day in our thousands do hereby indorse the foregoing declaration as embodying the position and wrongs of our misgoverned and impoverished country, and as likewise justification for recording our determination to resort to every lawful means whereby our inalienable rights, political and social, can be regained from their enemies (cheers.)".

Mr. *Sullivan*.—About this being wholly indorsed here as a declaration—was that quoted. I see you have quotation marks. Will you look at the printed slip, line 10, page 4.—"And whereas the mouth of English public opinion when speaking of constitutional legislation declared."—Have you got quotation marks?—They are here at all events.

Were they in your notes?—I really cannot say.

Can you tell us?—I could by reference to the book. (Note-book produced.)

See now whether that is a quotation—have you got it there as a quotation?—I have not.

Do you know how these quotation marks got there?—I really cannot account for it.

Is it there in the shape of a direct statement in the resolution?—It is here in the resolution, there are no inverted commas.

"Be it resolved that we Irishmen assembled to-day endorse the foregoing declaration"—that is a little lower down—I want to bring you to it. It says at the end of Mr. Boyton's speech, where he puts the resolution in which he says—"Whereas the mouthpiece of English public opinion"—have you got that?—I have.

Well look at your notes now, and read it from your notes?—What am I to read?

Get the end of Mr. Boyton's speech?—Yes.

He puts a resolution. Isn't that so?—Yes.

Well read that from your notes. Read the resolution I am after reading. It is the same resolution ?—At that page.

At page 4.

The *Attorney-General*—That is the resolution he has read.

Mr. *Sullivan*—I want him to read it from his notes.

Mr. Justice BARRY—The question is whether it is a quotation or not.

Mr. *Sullivan*—That is so. (To *Witness*)—Have you got it ?

Mr. Justice FITZGERALD—At the end of Mr. Boyton's first speech.

The *Attorney-General*—There are half a dozen speeches.

Mr. *Sullivan*—He spoke six times.

The *Attorney-General*—Do you see that place where you state Mr. Boyton returned ?—I have it now.

Mr. *Sullivan*.—Read that now ?—(*Witness* reads)—"Whereas the social condition of the Irish people having been reduced, through their subjection to England and its coercive legislation, to a state below that of any civilised country in the world; and whereas the mouth of English public opinion, when speaking of constitutional legislation, declared that 'governments should be for the good of the governed, and that whatever rules wilfully and persistently postpone the good of their subjects, either in the interest of foreign States, or to assist theories of politics, such rules thereby forfeit all claims to allegiance.' Be it therefore resolved, that we Irishmen assembled to-day in our thousands, do hereby indorse the foregoing declaration as embodying the position and wrongs of our mis-governed and impoverished country, and as likewise justification for recording our determination to resort to every lawful means whereby our inalienable rights, political and social, can be regained from their enemies (cheers)."

Is there any quotation mark at "governments"?—No sir, not one.

That is just what I want. Did you ever hear that that was a quotation from a letter of Lord John Russell to King Ferdinand of Naples?—I did not.

That is all I ask you.

Mr. *Dillon*.—I ask you to go to Mr. Boyton's second speech at page 9.

Mr. Justice FITZGERALD.—The second speech is at page 7.

Mr. *Dillon*.—Well, it is page 9 on the slip. Go to about line 13, "The figures I am going to use to-day"?—(*Witness* reads)—"The figures I am going to use to-day, in an appeal to the men, and not the old women (laughter), the figures I am going to use to-day are the figures that are carefully prepared for the information of Her Most Gracious Majesty's Government in Ireland. You have been told by gentlemen of the distress in the country, you have been told the result of bad laws. Listen to my figures which are perhaps not so much for your ears as they are for the ears of the press, if they will do us, the people of Ireland, the justice to publish them. (A voice—'Bravo.') During the lifetime of the chairman here, not yet fifty years, the population of England has increased two and a half millions; during the same period, the population of Scotland, a small country, has increased one-third of a million; during the same period, the population of the most fertile island that ever God created, has decreased, gone down three millions ('oh, oh, shame.') It is a fact, deny it who can. (A voice—'no one can.')"

Go to line 30. "But in my lifetime." (*Witness* reads)—"But in my lifetime, the population of Kildare has decreased one third, one man in every three is gone, God knows where (cheers). One third of the population of this most fertile county is swept for ever from the census roll of Ireland. (A voice—'Bravo.'

Now then having heard that, perhaps you would like to hear what has cleared out these people. I find by reference to the figures prepared for the Government, that we have in Kildare 83,000 odd inhabitants. I find by the same figures, that we have in Kildare 83 men who own the county, I find that we have veritable land owners, 1,700; 1,700 land owners pure and simple. Of these 1,700, there are 1,000 that own less than a quarter of an acre. ('More power.') I find there are 83 land owners in the county of whom there are six-and-twenty owning large estates in other counties in Ireland, men who have derived their title from men and not from God. Dukes, Marquises, Earls, Viscounts, Lords, Right Honourables, Honourables, yes, and dishonourables (laughter and cheers.) I find that six-and-twenty of these men own, mind you, absolutely an area, equal to all the pasture land of this fertile country. I find that six men, mark you, that six men own an area of Kildare equal to all the tillage land in the county. ('Oh,' and 'Divide it.') I find also, and I wish to show the gentlemen, whatsoever position in life they may hold, whether in the service of God, or in the service of their fellow-man, who have said that the people were well enough off. I think your presence here to-day is an answer to it. I ask those gentlemen here to-day, if you are well enough off, why it is that we have 10,000 paupers receiving out-door and in-door relief every year? Why is it that one half—and God Almighty knows if a blush could come to my face at this—why it is as a Kildare man, I have to say here to-day, that one half of the people of this county can neither read or write. We are well enough off, we have 10,000 paupers, and 30,000 people unable to read or write."

Go on to page 11, line 5.—"Mark ye now?"—(*Witness* reads)—"Mark you now, I told you that eighty-three men, mark the figures, men of Kildare, we have declared war, and speaking to-day for Kildare, we have eighty-three to contend with, as you think—(that is wrong, it should be 'do you think')—you are a match for them? Eighty-three land owners in this county own, or rather 100 men, own absolutely all the pasture and tillage land in the county Kildare. We have thrown the gage of the people in the face of 100 men. We will fight them in the courts, and when I say 'we,' I mean myself and others, if you will help us. We don't ask you for your money or your cheers, and God knows I am glad to hear these cheers, the only evidence of the fact that you are prepared to help. We have here in Kildare in the possession of those landlords a portion of the county. The entire county valued by the Government at £200,000—£200,000 per annum; £200,000 the Government values the property of the landlords of Kildare. The Government ask the landlords of Kildare to pay them taxes on that amount. The landlords of Kildare make you, the tenant-farmers, occupiers of the soil, and labourers, as if your sweat goes for nothing, pay £300,000 a year rent. In other words, they are taking half as much again as the Government that misrules you valued it. The total amount of the landowners of property in Kildare, if purchased by the Government to-morrow, would be four millions sterling at twenty years' purchase, some of them might not be disposed to-day to take twenty years' purchase, perhaps five years from now they would wish to have taken ten years. The rack-rent that you, men of Kildare, pay would pay six per cent. upon the amount that would be necessary to purchase out the whole of the landlords of Kildare at twenty years' purchase."

You may stop there.

Mr. *Molloy*.—Did you report the meeting at Glenamaddy, in the county Galway, on the 16th May last?—Yes.

Did a Mr. John Kelly take the chair?—Yes.

Will you read his observations at page 3, line 8?—(*Witness* reads)—"I am not going to speak of any landlord. If the people were but loyal they would soon manage the landlords—I mean if a man was evicted that no man would meddle with his land (hear, hear). (There is a break there)—and make him a black sheep in the parish. They may return members of Parliament, but we can have a Parliament at home if we like it ourselves, by establishing branches of the Land League. Let the land be left waste. Let him that does be pointed out at market and fair, let no one buy or sell with him. If he has a family let no one connect with him. There is a fine meeting here to-day after what was said. The chief object of this meeting is to put down tyrants."

Who was the next speaker after the chairman?—Mr. Nally.

Mr. Nally, the traverser?—Yes.

Will you read his speech?—(*Witness* reads)—"Fellow countrymen, I have to propose a resolution, a resolution that I proposed 15 months ago, but I say the parties I then addressed have not adhered to it."

"Resolved, that we will look upon a man who would occupy the land from which a tenant has been evicted as the enemy of our country, and we hereby pledge ourselves never to occupy a farm from which a tenant has been evicted or surrendered for non-payment of rent (cheers)."

"What is the use in coming forward and speaking to you when at this moment there are some scoundrels amongst you ready to grapple them up? ('A voice, down with them.') I know there are scoundrels here who would raise their hands. I wish to propose the resolution, and all united together, determined as it were to get rid of the agent, bailiff, and the accursed and damned landlords ('oh!' and laughter). Do you come along, organise in one mass. Come together after this meeting, let ye come and show all men that we intend to banish every blasted landlord out of the country. Let ye join together in the hillside and valley and everywhere until we get rid of that accursed hated system called landlordism. Let us come forward then like men and put those blasted landlords in the same position as we have ourselves been for a number of years. I have a few papers here; just listen to me about the landlords of this place. I know very little about it myself. Of course if I err you will correct me. There is one estate. I will go in at the end. I will not mention the old fellow's name. One man whose valuation is £8 15*s.*, rent £15; another valuation is ten guineas, rent £16 9*s.* (oh!). Well, there are so many names in it, it would be injudicious for me to name them. The next time he is coming forward to collect rents, let ye come forward and say that the devil a halfpenny at all he will get (laughter). (Here the speaker became inaudible owing to the noise around me.) Well, my friends, I will not come to-day without referring to my friends that are keeping up the wall over there. (Here the speaker pointed to some persons leaning against the walls within sight.) What I come here for is this. To say (here it was broken again.) That every one amongst you will join the Land League until we put away landlordism and every ism, I don't care a damn about all isms. Other gentlemen will come forward of more experience to second this resolution (cheers)."

Mr. *Molloy*.—Did Mr. Kilmartin make a speech?—Yes.

Turn to page 8 of Mr. Kilmartin's speech. Now look at line 45 and read the passage commencing "For instance"?—(*Witness* reads)—"For instance, I have been shown a sheet of names since I came here to this town, where the landlords are grinding them to the dust. Now I mean

to show ye how you can nullify the law of the landlords. Join the Land League, never take a farm from which a man is evicted. Ostracise the villain who would do such a thing. There is not a greater criminal ever swung on a gallows than the man who would take that land. I say you can point to him as he goes the road, and say, 'Behold the villain;' 'behold the man who robbed the widow.' If ye saw a mad dog, would not ye halloo him. Would not ye hunt the mad dog from society, but the desperate villain who would bid for the land is fifty times worse than the mad dog."

That will do. Now go down to line 11 on page 9 and read?—(*Witness* reads)—"With regard to rackrent, where is the tenant who is not rackrented? I say, in the words of Charles Stewart Parnell, our brave and noble leader (cheers), who will lead us to victory, and his colleague, Mr. Davitt (cheers), I say, in the face of this brave assemblage of Irishmen and women, if ye hold a firm grip of the land with determined voice, there is no power under the Crown will put you out of it. Offer a fair rent, and in the name of God whatever the consequence is, as my friend Mr. Malachi O'Sullivan said twelve months ago, if they don't take it, put it in your pocket. Mr. O'Sullivan twelve months ago was secretary to the Ballinasloe Association, and he gave good advice to the people of Ireland. Infidelity has been imputed to him."

Witness.—There was interruption here. The speaker then said—"I say Mr. O'Sullivan is as good a Catholic as any one in that crowd. I fear I am trespassing on your patience. When I look around amongst you and see the green sashes, and when I look back and see these banners (pointing to the back of the platform, where there were a few flags and banners), when I see here the picture of Parnell, with Erin asking him to save her people, I think it would not be too much to ask you to put your patriotism to the test. Do as Parnell advised you to do, 'Keep a firm grip of your holdings.' Establish in this place this very day a branch of the Land League."

That will do. Read the next line, however.

Witness.—"The man who would not subscribe one shilling is not worthy of the name of Irishman."

Now go on to page 12. Mr. Fitzpatrick proposed a resolution?—Yes.

Well, read the resolution?—(*Witness* reads)—"Resolved that the Irish National Land League, being established for the protection of the persecuted tenantry of Ireland, and the total abolition of landlordism, we hereby pledge ourselves to form a branch of the League in Glennamaddy to-day, to be united"——

Witness.—That must be—"You must unite, love, and assist one another as one man."

Mr. *Molloy.*—Did Mr. Nally make a speech?—Yes.

It is at page 13. Read it?—(*Witness* reads)—"My friends and fellow countrymen (cheers), coming here I assure you for a positive fact, though it is well known in this county that against a system called landlordism I will work tooth and nail, and until I see those scoundrels called landlords banished in oblivion, and the tenants to be the owners of the land. I tell you what it is, that I ask one request of you again, to abolish landlordism and have in its stead peasant proprietary (cheers). I will now thank you for the reception you have given me. As I am in the habit of saying things that I don't do or believe in myself, let each and every one of you go home sober" (loud laughter). Here he referred to the police, and said—"There is one thing about those, we have no right to say anything at all against them. They are very respectable and orderly, but if they could have a few" (That is broken) "they

might get more intelligence (laughter). I would ask them to join the Land League (laughter) on the same principle that other people do, and when they join the League, I will guarantee that they will be for keeping it (laughter and cheers)."

Cross-examined by Mr. *M'Laughlin.*

Will you kindly let me see the print you have been reading from—I mean Mr. Kilmartin's speech?—Yes. (*Witness* handed the document to counsel.)

I see it is partly in print and partly in manuscript?—Yes; the manuscript was inserted when I was comparing it with my notes.

Do you mean the original transcript, or the shorthand notes?—The shorthand notes.

This was printed from the transcript of your shorthand notes?—I suppose so. I do not know.

Do you not know it was?—I think so.

Do you not know it is altered in seventeen sentences or clauses of sentences?—I do not know.

I do. I have counted it over. Was it right, as printed from your manuscript?—It was printed correctly from my notes.

Was it printed correctly from the manuscript as you took it from your notes?—I suppose it was.

Did you take particular care with Mr. Kilmartin's speech?—I took particular care with all of them.

That same particular care appears to have led you into a greater number of blunders. I suppose you transcribed that speech as you did any other?—I did.

Here, for example:—"There is no greater criminal ever swung on the gallows than the man who would take that land. I say you can point to him as he goes along the road." A portion of that is in manuscript?—Yes; I wrote it in when I was comparing them both afterwards.

Now—"You can (blank) him without raising a hand to him." Is that the way you transcribe your notes?—I wrote out my notes as they were taken.

Here is another. I will take page 9, line 36. On your printed copy it appears—(reads)—"Speaker: If you want to save Ireland's population, if you want to save the brave youth of the country, unite and band together for mutual protection, such as you can do by joining the Land League. I have a list here. It contains about forty names. It would be quite useless for me to occupy your time by reading it. The press will take notice of it. It is in almost every case nearly double the Government valuation." I see that altered in some particulars?—Yes. In writing this first I inserted some words in it from memory; and when I got instructions to compare my notes with the printed copy, and leave in nothing but what was on my notes, I struck those out.

The next line in the print, page 9, line 42, is—"The landlords never did anything for us." I see you have made that, "The men who never did anything for us"?—No, sir, I made it the "race who never did anything for us." I wrote it from memory myself at the time.

You made the best effort you could to get as much of the matter into the report as you could?—No doubt of it.

Is it not, then, partly a sketch from memory and partly from the notes?—It is not a sketch from memory.

Why this printed copy is pockmarked with corrections?—I cannot help that.

No more can I. That is all.

Cross-examined by Mr. *Curran*.

This was a large meeting, I believe?—It was.

Was not it a local meeting altogether?—It was.

None of the gentlemen from Dublin came down to it?—No.

Was it not called in reference to the conduct of a landlord in the neighbourhood?—It was.

You know that?—Yes; the chairman said so. Will I read his speech?

I will not trouble you to do so. Did he not refer to landlords in the neighbourhood?—Yes.

He referred to one landlord, Mr. Gore?—Yes.

He said he never did a bad act, and gave seed potatoes to his tenants?—Yes.

He said he was a good landlord?—Yes.

And he referred to the conduct of bad landlords—there is no use naming them?—Yes.

I believe Mr. Nally had less drink in that day than usual?—He had some.

I believe he is very seldom without some?—I do not know.

But I believe he had less in that day than usual?—I do not know how to answer that question.

Mr. *M'Laughlin*.—So much the better for you to give a fair answer.

Mr. *Curran*.—That will do.

Mr. *Molloy*.—Now turn to the Ballinlough meeting of the 27th June, 1880. Did you attend that meeting?—I did.

Did you notice any inscription on the platform?—Yes.

Was there an inscription across the front of the platform?—There was.

What was it?—(*Witness* reads from his notes)—"I noticed a strip of black cloth right across the front of the platform, with the words, "Down with Mrs. O'Connor, the Palace, Elphin, and all evicting landlords. God Save Ireland."

Now turn to page 2. Who proposed the first resolution?—A farmer named Patrick Henehan.

Just read it?—(*Witness* reads)—"Resolved, that we solemnly protest in the name of justice against the eviction of 55 persons from their homes in Clogheen, and we pledge ourselves not to take those, or any other farms, from which their occupiers may be evicted (a voice, 'never.')"

Who spoke after that resolution was proposed?—Mr. Thomas Brennan.

Read his speech?—(*Witness* reads)—"Mr. Chairman and fellow-countrymen—Again the hand of the destroyer has been heavy upon you. Again we meet here to-day to protest against eviction, and to record our solemn vow that the land of the evicted shall remain tenantless (cheers). That the crops upon them may wither, and may rot before any man in this county, or any man in this province, will be found to save them, for the person—I will not call her a woman—who has robbed and plundered the helpless creatures that we are here to-day to pledge ourselves to aid and to protect (cheers)."

Now go to line 29?—(*Witness* reads)—"I have a good opportunity, from my connection with the Land League, of knowing the position of many of the tenantry of Ireland."

That will do. Now go to line 41?—(*Witness* reads)—"The question must soon be decided, whether you will quietly surrender that harvest

in order that a few idlers may enjoy the usual quantity of champagne ('never')."

Who said "never "?—Some one in the crowd.

Very well. Now read on.—(*Witness* reads)—"In order that they may be in a position to buy prize dogs and pay gambling debts in the hells on the Continent (hear, hear). I don't advise you to offer any open resistance to the law, simply because I believe you would not be able to defeat it. I believe there is nothing wrong in guarding your own life and your property; and if I don't advise open resistance to acts of tyranny, it is not because I see anything wrong in it, but because I know it is not advisable, and I know the landlords would not wish for anything better than that you should adopt such a course in order to invoke the aid of a Government that has ever been too ready to crush you. We advised you last year not to pay exorbitant rents; not to pay rent that you were not able to afford. We give you the same advice this year, and we say any man that pays an unjust rent, whether he can afford it or not, is an enemy to the common good (cheers)." Here I lost some words owing to some confusion in the crowd.

Very well. Go down to line 30—"You will have to depend"?—(*Witness* reads)—You will have to depend, not upon members of Parliament or any other man, but you must take the cause into your own hands. You must commence at the root of the evil. You must starve out the landlords this year until you force them to agitate for a change in the land laws (cheers). We must enter into a holy conspiracy against them; we must form a union in the country, and the object of that union must be the destruction of a power that tries to ennoble idleness and degrade labour. The landlord may evict, but you may make eviction a costly luxury to him. There is not a labouring man in the country who should take a day's wages to save that crop. If cattle are seized they should be branded with the word 'Rack-rent,' and if any man is mean enough to take that land, I say such conduct should be branded. It has been observed that if you make them (the Irish people) prosperous they will cease to be national. I don't believe one word of it. I think it is more likely that they will possess more ennobling patriotism then than at present, when they are engaged in keeping off the gaunt spectre of starvation. No, the destruction of landlordism will be but the commencement of the destruction of foreign rule in Ireland. It is the chief prop of the institution. Remove that prop and the whole edifice will come tumbling in the dust. Ireland as a nation at peace with all the world and with herself, will take part in righting the wrongs" (There is a break here).

Read the last sentence?—(*Witness* reads) —"Ireland will take part in emancipating the world, in striking off the fetters of men writing on the tablets of ages 'Republican.'" (Cheers).

Cross-examined by Mr. *M'Laughlin.*

Before you pass from Mr. Brennan's speech, will you kindly take up from where Mr. Molloy left off—"This is the second meeting"?—(*Witness* reads)—"This is the second meeting of the kind that I have attended during the past month. Not many miles from this I witnessed a scene where 65 human beings were turned on the roadside, and we have the same picture presented to us to-day, an equal number of people meeting with the same fate at the hands of the same person (groans). And it is not here alone. But the other day at Boyle, latter still at Balla, this person has put the same infernal laws in motion, and she now occupies the unenviable position of having 200 human beings——"

Now, go on and take up Mr. Brennan after the break. Leave out the intervening line—anyone can read that who likes?—(*Witness* reads)—"And yet this heartless act of cruelty has not met with the condemnation it deserves. When some short time ago an unfortunate woman in England committed a foul murder, how the hands of the Christian people were raised in horror at the act, and with one voice they called out for her banishment; they asked that the world should be freed from the monster. And yet here, not the life of 100 but 200 were endangered."

One hundred—not one—is not that the way it is corrected?—It is.

Go on and read? (*Witness* continues reading)—"And yet these Christian people protest not against the act, and the Government, whose first duty should be to save the lives of the people whom they govern, stand calmly by and address a few soft words to the destroyers instead of having them in irons. It is not in this county alone, it is not in this province alone, that this work of eviction goes on. From every county in Ireland we have it, and half the tenantry of Ireland do not know but the fate of Mrs. O'Connor's tenantry awaits them."

There is one other passage in Mr. Brennan's speech I want from you. Look to line 32, commencing "Well that is the position"?—(*Witness* reads.)—"Well, that is the position of the people of the West, and at least two other provinces are in exactly the same position. We have a prospect of a good harvest this year, and the landlord has his eye on that harvest, and soon the question will come to be decided whether he or you will enjoy it. (A voice: 'He will never.'") "Whether after having starved yourselves for the last twelve months, having golden prospects this harvest, whether you will be content to endure the same privation for the next twelve months, whether you will be content that the charity box must be again passed round for you."

That will do.

Mr. *Molloy*.—Did Mr. Walsh, the traverser, speak after Mr. Brennan at that meeting?—He did.

Go to page 6 and read?—(*Witness* reads)—"I want you to say that these landlords will no longer get a rackrent; that you will no longer say 'your honour' to them or go cap in hand. (Voice: 'Devil a cap in hand any more,' laughter.) Mr. Walsh—If you do that you will soon settle the Irish land question. Mr. Forster is determined to put the law in force, and he admits that the Irish people have a grievance. I fear he will not settle that grievance. That rests with yourselves, and yourselves alone. It is with you to settle it. You can force Mr. Forster and the Government and the landlords to come to your terms. You will do that by refusing to take farms from which the tenants have been evicted. You will advance your own position. You will make homes for your children, and children's children, who will bless you and pray for you when you are dead and gone. I will not detain you but I will ask each and every one of you to join the Land League. It has not done much for you yet, but you have no idea of what it will do for you. The American people are watching you to-day. Their sympathies are with you. They are a great and powerful nation to-day, and if you stick to your true colours they will not neglect you. The Irish National Land League will assist you in your hour of need (cheers)."

Mr. *Molloy*.—Go to page 10. Did Mr. Walsh speak again?—He did.

Mr. *M'Laughlin*.—Which Mr. Walsh? Is it Mr. John Walsh, the traverser?—There are two gentlemen named Walsh.

Mr. *Molloy*.—It is Mr. John Walsh, the traverser, that made the speech.

Mr. *M'Laughlin.*—Very well now.

Mr. *Molloy* (to witness).—Read that speech of Mr. Walsh's, commencing "I am sure"?—"I am sure, under the able guidance of Mr. M'Dermott, whom I believe is president of the Land League, the people will be found true to themselves. I trust there will be always found amongst you a man who will take the part of the people as Mr. M'Dermott. I have heard that a great many landlords have bought their land in the Landed Estates Court. They say they don't hold the land under the title of Cromwell. I hold their title is not good also. If a man sells a stolen horse, and another man comes into the fair of Ballinlough and buys the horse, I say he is not entitled to keep it. In the same way the land was yours (cheers)."

Mr. *A. M. Sullivan.*—Now, Mr. Lavender, turn to page 9, line 9, of Mr. Gordon's speech, "I suppose the Government thought this meeting would be rather small"?—"I suppose the Government thought this meeting would be rather small, and so sent us a lot of police (groans). I don't want you to groan for the honest policeman."

Stop there.

Mr. *Curran.*—Tell me, constable—go back to the speech of Mr. John W. Walsh—the first speech he made, page 6 ——

The *Attorney-General.*—I think the more convenient course would be to allow Mr. Molloy to finish first.

Mr. *Curran.*—I beg your pardon. I thought he was done.

Mr. *Molloy.*—Now turn to page 8. Did Mr. Gordon, the traverser, make a speech?—He did.

Go to page 8, line 13, "I ask you here to-day"?—"I ask you here to-day, in the presence of the Government, to resist the rack-renting landlord in every form, to act the part of the noble woman in Ballina. The robber came in the daylight to evict her. That brave and noble woman stood and acted the part, not of a woman, but of a man."

Now go to line 34, or begin Mr. Gordon's speech?—"Mr. Chairman, ladies, and men of Ballinlough—I must thank you on my own part for the kind invitation you have sent me to attend this meeting. It was my intention to attend another meeting, but from the pressing note I received, and the character of the landladdy—(landlady)—(laughter)—whose character is described on the black banner. The banner and motto of death, that motto which you must look upon as the destruction of your fellow-men (groans). If we assemble here to-day, we assembled in the same affair eighteen months ago. It was founded in the town of Claremorris. The land question has been founded there, the land war that has swept along the land, and the Government has been exposed to the world. This Government that has taken charge of the Irish people has no sympathy for you. I ask you, my friends, to form into one band. It is better for you to die in the prison fighting for the rights of your native land than to die starving paupers in the workhouse. I ask you here to-day, in the presence of the Government, to resist the rackrenting landlord in every form, to act the part of the noble woman in Ballina. The robber came in the daylight to evict her. The brave and noble woman stood and acted the part, not of a woman, but of a man. I ask every woman here to-day to bring her thoughts in her breast home (laughter). I am proud that this is not a question of religion; it is a question of right. It is the question of the land which God created for all men, for Protestant and Catholic, to enjoy. 'When I consecrated this land,' said he, 'for my people you shall earn your bread by the sweat of your brow.' If I keep you here to-day in the midst of rain I will not apologise. Many a

wet and dreary day you have spent toiling for the land robber (cheers). I ask you, my friends, to repeat the pledge which you made one year ago, to band yourselves together to resist against the robber. Show before the world that you will not lie down as we are told by the landlords and the Government, not to lie down as slaves. I am glad that the spirit raised in Mayo has swept from Mayo to Roscommon and Tipperary. Mayo has swept a laurel from the brow of Tipperary. She has founded that land question which to-day landlords themselves must admit; it has taken a prominent part in the exposure to which the landlords have"——

Now go to line 44—"You must band yourselves together like men"? —(*Witness* reads)—"You must band yourselves together like men. Shake hands with every brother farmer, no matter what creed or class, and say as one man, 'This land is ours.' You, my friends, may be called upon to stand up, not as beggars, to resist this system. I hope you will carry home in your bosom the advice you have received on this platform, and no matter what advice you receive, whether from the landlord robber or the Government of England, it is better for you to die fighting for your country than to die in the poorhouse. My advice to you here to-day is that no one will encourage another to take the land from which another is evicted. If there is any one sneak amongst you, don't associate with him in any form. If he is a landgrabber, and has daughters, I will advise every young man to shun them. I will ask you to pledge yourselves here as honest men to raise up your hands to heaven that no man will take the land from which a tenant has been evicted."

Now go to line 15 on the same page—"What I advise you to do"? —"What I advise you to do is, pay no more rent, and the police will pay it for you (laughter). Remember the words of Charles Stewart Parnell—'Keep a firm grip of your homesteads.'"

Mr. *Sullivan.*—You notice the last question Mr. Molloy asked you—that it began at line 15 on the same page—doesn't it?—Yes.

Now do you see the passage that precedes that which he did not ask to read, and I will ask you to read?—I do.

Now will you begin at line 9—"I suppose the Government thought this meeting"?—"I suppose the Government thought this meeting would be rather small, and so sent us a lot of police (groans). I don't want you to groan for the honest policeman. The honest policeman in the locality of Oranmore or Dunmore—it is either the one or the other—had an Irish heart, and said, 'Brothers,' said he, 'is it possible that we will allow our fellow man to be evicted,' and they made up £1 13*s.* for the poor man who was about being evicted (cheers)."

Now, do you know, as a matter of fact, that the police did pay rent for a poor wretch whom they were brought to evict?—I saw it in the papers.

You did not subscribe then?—I was not there.

Mr. *Curran.*—Or perhaps he would.

Refer back now to the evidence of Mr. John W. Walsh?—Yes.

Now will you begin at page 6, line 14, "As one who has attended almost all the meetings"?—"As one who has attended almost all the meetings in the west of Ireland since the initiation of this great movement, I feel it my duty to-day to stick to the doctrine that has been preached last year; the doctrine, 'The land of Ireland belongs to the people of Ireland' (cheers). It will be needless to look to Members of Parliament, or to the Land League, if you are not prepared to work out your own emancipation by your own hands (cheers). It is

true that I visited the evicted tenants of Mrs. O'Connor in this neighbourhood (groans). I was sent here by the Land League to see and inquire into the position of these poor people, and this much I will say, that I have a thorough knowledge of at least three provinces in Ireland, and I never met a poorer class of people than I saw on Mrs. O'Connor's property. I also visited the evicted tenants at Tervenacreeva (another property of Mrs. O'Connor's, I believe) and I am almost ashamed to tell you that I found amongst these poor people thirty-seven pawnbroker's tickets. They had pawned their coats, and their vests, feathers, and wool, to try and keep themselves alive, and yet this monster in the shape of a human being tries to extract money from those poor people. If one such act makes a monster, what will you call Mrs. O'Connor? (groans). I have later still visited families at Boyn or Balla [I can't say which he used]. I found in one house a man, a man seventy years of age. He was lying in a bed unable to move while the minions of the law were there. In the same house I found his son almost dying. Are you prepared that this system shall last for ever? (no, no). I am glad to see that despite the inclemency of the weather we have come here. This is one more proof that you know your cause to be a just one, and that you will succeed."

That is all. You read the next sentence already.

Mr. *Molloy*.—Take Rainsboro' meeting.

Mr. *Macdonogh*.—What's the date?

Mr. *Molloy*.—The 4th July. (To witness)—Was there a Land League meeting at Rainsboro' on the 4th July last?—There was.

Now, were the traversers Messrs. O'Sullivan and Sheridan there?—They were.

Now go to the print copy at page 3, line 19, of Mr. O'Sullivan's speech—"Standing here"?—"Standing here on this 4th of July, is there a man amongst you that will not —— to bring this union—and to join hands to attain it. ('Down with landlords')."

Who said that?—Somebody in the crowd.

Well, go on?—(*Witness* continued reading)—"The spirit of nationality in Ireland is like the soul of man, imperishable, indestructible, and immortal (hear, hear). It is a spirit which shall never die. It is a spirit which is destined to attain this end. It is a union, a firm and determined union among people themselves (cheers). Is that union to be attained? It is for you men of Sligo to say whether it will or not. (A voice, 'it will'). It will not do to say it will. I will not accept any man's word for it, unless I see men firm, determined men banded together as one great (a break there), determined to strike down that hideous system of landlordism in the first place, and the system of British domination on the other. It is not by words and by cheers that we can accomplish that end. If it were it would be easy enough to gain independence ('hear, hear'). Let us look to America to-day. Let us look to every country in the world. Can you point me to one (a break)? What is it that has gained it? The sword, and the sword alone; the rifle and the man. These are the only powers that can gain your independence, and any person that tells you the contrary, tells you a lie. 'What rends in twain the dungeon's chain'? 'the sword.' What is it that will right the oppression? What is it that will right Irishmen, and no man will say there is no oppression (there is a break there). Who can stand here and tell me that the Irish tenant-farmer is not a slave, a slave to his landlord? 'What rends in 'twain the despot's chain?' If we had no despots, if we had not the prison, we have got too much of it. It is only in one way we can get rid of it. What is the (break) of the

sword? To free the slave, to make all men free before the nation. Are Irishmen cowards enough that they will not stand up and free themselves as other nations have done? It rests for you to say whether you will or not."

That will do. Now go to the next page, line 2, "The time has come now"?—(*Witness* reads)—"The time has come now when men, no better than yourselves, mean to shake off the landlord yoke in this country, and also the yoke of British domination. You must form yourself (a break here) organization (a break here). You must, above all, put your face against evictions. You must organize on every estate. You must offer to your landlords this bad year a fair rent, and that rent is no rent (laughter). Many of you are living on charity of foreign alms. How then can you be expected to pay rent to your landlords? Remember that another bad harvest will bring you another season of famine. Remember that it is not always the brothers and sisters in America will come to rescue you. Remember you that it is not always you can unman yourselves so much as to ask it——. The landlords to whom you must go——. That you will not in a body pay exorbitant rents. If you be——, the landlords can deal with you individually, but if you put your hands up in a body no landlord and no Government can compel you. Above all, if such a thing as an eviction should take place, let no man take the farm. If the sheriff seize, let the sheriff hold the sale, but let not the chattels be bought, whether through inability to pay rent or any other cause. Do you, men of Sligo, swear to that? Hold up your hands and swear you do (hands up). Let every man take the hand of his neighbour (laughter). And above all, let every —— grasp the hand" (a break here).

That will do. Now go to line 27—"These are the things you will take home with you"?—(*Witness* reads)—"These are the things you will take home with you. Band you together, organize as one man. Organize then, organize as one man. Are you willing to do that? ('We will,' a voice in the crowd says.) Take home the thoughts with you, that it is your own interest. If you do there is no fear but you will become organized. Above all, one thing is held out as the panacea for all your troubles, that is emigration. Don't emigrate; these fields are large and good enough. These houses around you may have been the homesteads of families with whom you were in the closest alliance. The land has been cleared off (a break there.) If emigration is to be a remedy, let it be emigration from the poor lands to the rich lands in the country. I have calculated, and I have made one of the ablest men in figures calculate ——. You will exactly treble the number of tenant farmers. If emigration is held out to you, emigrate by all means, let it be from the bog lands to the rich lands; from the bogs of Connaught to the bullock fields of Meath."

After that speech of Mr. O'Sullivan's, did Mr. John Burke propose a resolution—go to page 5—"That we pledge ourselves"?—(*Witness* reads)—"That we pledge ourselves neither to take, graze, herd, or fence any farm from which a tenant has been evicted, either capriciously or through inability to pay excessive rent (hear, hear)."

Who was the next speaker after that resolution was proposed—turn to page 7—Mr. Sheridan, a traverser?—Yes.

Well, will you go to page 8, "Then, my friends?"—(*Witness* reads)—"Then, my friends, if any landlord should at any time desire to cast a poor tenant on the world for the non-payment of an exorbitant rent, it is for you, my friends, to pledge yourselves before God and your country, for the sake of your country, never one of you to take that farm, but leave it there waste. Let no man herd it, and the landlord

of necessity must pay rates and taxes for it. He will then see that he is unable to pay rent. It will assert and go before the world that the people of Ireland have risen to their business. That he will no longer ride roughshod over the country. By this means, my friends, you can be, you can be united off the platform. Therefore, you have many facilities, organization (a break here). Fellow-countrymen, there is only one other subject that I will refer to. It is the absolute necessity of organization. Is it not a sad thing in a Christian land where men—(a break here)—is it not a sad thing, my fellow-countrymen, that we can't sometimes find before the same altar in our Catholic chapels the men that will (a break), their right hands from the country. I don't know at all. There is no other country would, except this country of ours. You ought to know when you are doing right, and when you are doing wrong. No man can unfurl a second banner in this country except it be in the service of the enemy. Then, as men with Christian feelings, are you any longer going to persist in this nefarious practice? If so, I wish to heaven I was never born amongst you. Then it is time you would open your eyes to the fact. It is time to gird on your loins. Then, my friends, everywhere that the Land League is not already established, branches you at once and place yourselves under the leaders of that Land League."

Was there a resolution proposed after that?—Yes, but I did not get the resolution.

Well what was the substance of it?—It was to form a branch of the Land League in the locality.

Who was the next speaker.—Mr. O'Sullivan, a traverser?—Yes.

Now look at line 8, "You have pledged yourselves."—(*Witness* reads)—"You have pledged yourselves to form a branch of the Land League. But, my friends, it is not enough if you pledge yourselves to do that. It is not enough to meet here and that you stop there, nothing will be gained by such a course. Your meeting here, your pledging yourselves, is but the beginning of the end. You must keep the end steadily before you, that is the emancipation of the tenant-farmers of Ireland and the emancipation of your country. (Hear, hear.) It is not a thing easily to be attained. It is a thing that resolutions will not attain. It is a thing that resolutions will only point out, and action will have to succeed your resolves before you reach the end. I wish to know whether you are like the men of the West, and the men of the South, whether you are determined to carry out this resolve. I wish to know whether you are the men I take you to be, strong men, brave men, united men, whether you are determined to emancipate your country. Those who are determined to emancipate yourselves and the tenant farmers raise up their hands. I want those hands to grasp each other. I don't see that manly grasp. I will leave you in the shadow of my friend, Mr. Sheridan."

Go down to line 39—"Brave men"?—(*Witness* reads)—"Brave men, strong men, if you are true to each other, let no man take a farm from which another has been evicted. If you stick to each other, if you be true to each other, landlordism must starve in the country, and it is better for them to sell out in time than to starve out. Be true to each other, join with Mr. Sheridan. He is a man who has the interest of the country at heart, and a man whom I look upon as one of the future saviours of the country (cheers)."

Mr. *M'Laughlin.*—This meeting was held on the 4th July, I think?—It was.

That was about the time the debates were going on in Parliament

about the Compensation for Disturbance Bill. Was there a man called Davitt spoke there, and proposed this resolution—"That pending the creation of a peasant proprietorship, which is the only acceptable settlement of the land question"?—I beg your pardon, that is not it.

Well, read it your own way?—(*Witness* reads)—"That pending the creation of peasant proprietorship, which is the only acceptable settlement of the land question, it is absolutely necessary, for the preservation of peace, that the Government should put a stop to evictions until God takes her through the fearful crisis through which Ireland is now passing (hear, hear)."

Well, except that you pronounce the word "acceptable" differently, it is the same.

Mr. *Molloy*.—Is it from the newspaper you are reading?

Mr. *M'Laughlin*.—Both print and newspaper. Now whereabouts were you placed at that meeting?—I was standing in the crowd.

And were you much knocked about?—I was a good deal.

That accounts for the seventeen gaps in the report of Mr. Sheridan's two speeches?—Mr. Sheridan's speeches?

Yes?—I counted them—strange to say, the same number of corrections as are in the other.

Well, were you in front of the platform—where were you standing?—At the back of the speakers.

Not easy to report in a place like that—eh?—No.

While talking about reporting, a man like you are—I mean a gentleman connected with the Royal Irish Constabulary—reporting—you know newspaper reporters are trained to report without any facility at all—sometimes standing on their heads, if necessary?—I never saw anything like that.

Well, I have more experience than you, you see. Now, you never have been a newspaper reporter, properly so called, yourself?—No.

And any one who would say that would imagine it—who would say you were a newspaper reporter would not be telling the truth?—No.

That is, unless it was necessary to tell a lie?—It would not be the truth.

Do you remember on one occasion saying anything about being connected with a Cork paper?—I don't remember.

Well any other?—Yes.

So I thought now—that is the way it comes round—where was that—what paper did you say you were connected with?—I said I was connected with some of the provincial journals.

There was no truth in that?—No.

Not a bit. I suppose you simply told a fib in the discharge of your duty?—It was in order to avoid the thing at the time, because it is a very awkward thing for a man placed in a crowd to declare to every man who asks him the question who he is.

You thought it necessary to tell a lie that way—in a professional way?—I would not do it now.

Not after being cross-examined?—Not after being cross-examined.

Mr. Adams—Look at Mr. O'Sullivan's first speech?—Yes.

How many times did you break down in the course of that speech?—I did not count them.

How many gaps are there in it. Are there not twenty where you lost the beginning or ending of sentences?—I don't think twenty.

Well I counted them, and there are twenty?—I find only nine.

In one page nine, and eleven in the next—and nine and eleven are twenty. How long did Mr. O'Sullivan occupy in speaking that day?—I could not say.

Did he speak for forty minutes?—I don't think he did. I am sure he did not.

Did he speak for half an hour?—I don't believe he did.

Did he speak for twenty minutes?—I would not say he did.

Now if you read out that speech as slowly as he spoke it would it occupy five minutes, your report of it?—I don't know what time. I have not calculated it.

Would the two pages occupy five minutes?—I should think they would.

No more, I suppose?—I don't know really.

If Mr. O'Sullivan's speech occupied twenty minutes, and your report occupied five to read, must not you have left out three-fourths of it?—I did not say twenty minutes.

I beg your pardon, you did admit it?—I admitted it might have been.

Would you be surprised if many persons present would say it was forty minutes, and that you have not one-eighth of what he said?—I would.

Look at page 4, line 7—"You must offer to your landlords this bad year a fair rent, and that is no rent"?—Yes.

Do you swear he said that they should offer no rent?—I have it in my notes.

You have it in your notes. Do you swear he said it?—Of course he said it or I would not have it there.

Why?—Because I could not write it unless he did.

How far were you from him?—Six or seven feet.

Were you not behind him?—I was.

Was the wind blowing from him or towards him?—I don't remember.

Did you hear other extracts from speeches of his read to-day?—I cannot say I did.

Did you ever hear that he said that the landlords should get twenty years' rent compensation?—I do not remember.

And that he went into calculations to show they should get the full value?—Yes; he was speaking about calculations, about 180 millions; six millions for thirty years would be 180 millions in the country.

That was alluding to the drain of absenteeism?—Yes.

There was no treason in that. Did you ever pass any time by the name of Hughes?—Yes.

What is your name?—Lavender.

And where did you pass by the name of Hughes?—At Claremorris.

What was your meaning for that?—I did not want to let the people know who I was at the time.

And you said your name was Hughes?—Yes.

Cross-examined by Mr. *A. M. Sullivan.*

Were you in plain clothes when reporting?—I was.

Did you apply to get on the platform?—In some instances I did.

Were you admitted?—I was in most instances.

Did the promoters of the meeting afford you fair facilities for getting up?—They did, in some places.

Was it in cases where they refused you that you stopped on the ground?—It was.

Then you stopped on the ground and reported there?—Yes. At this particular meeting, I am after reading now, there was no platform at all.

Were you ever molested or attacked?—I cannot say that I was ever attacked. The people often called out "Jeremiah Stringer."

But you were not "Stringer"?—They took everybody that reported for the Government as "Stringer."

Some of the speakers quoted dreadful poetry about the sword?—Yes.

Was that poetry blank verse or prose?—It was poetry.

Did you ever hear of "Lays of the Land League"?—No.

Do you know who was the author of that piece of poetry about the sword and all it did?—I really do not.

Did you ever hear it was composed by a gifted Irishman, whom the Government rewarded with a high office in Dublin Castle, did you ever hear that?—No.

Well, it was.

The *Attorney-General.*—There is a witness here whom we desire to examine, and in order to do so it would be convenient to discontinue this witness for the present.

Mr. Justice FITZGERALD.—Whatever is convenient; you can recall this witness.

WALTER WELLSMAN sworn and examined.

Mr. Sergeant *Heron.*—Are you one of the partners in the firm of C. Mitchell and Co., proprietors of the "Newspaper Press Directory"?—I am.

You carry on business at 12 and 13 Red Lion-street, London?—Yes.

Are you the editor of the "Newspaper Press Directory"?—I am.

And were you so in 1879 and 1880?—

In October, 1879, were you preparing your edition of the "Newspaper Press Directory" for 1880?—I was.

The "Newspaper Press Directory" has the particulars of every newspaper published in the United Kingdom and British islands?—Yes.

Did you, in October, 1879, issue this circular [produced]?—I did.

Did you direct that to the *Nation* office in Dublin?—I did.

And did you receive back from the *Nation* office that same paper, with corrections for the year 1880?—I did.

That is the circular you sent to the *Nation* office, and that you got back?—It is. It is a blank form.

These two documents went out?—Yes; the blank form, and these slips along with it.

These printed slips contain a description of the *Nation* and *Weekly News*?—Yes.

Were they taken from the previous year's "Directory"?—Yes; and pasted on these slips and sent to the *Nation.*

Did you get back these by post?—I did.

"The immediate return of this leaf is requested, to secure correct arrangement." It is signed T. D. Sullivan, and dated 3rd November, '79?—Yes (handed in and marked).

Did you send to Mr. T. D. Sullivan, about February, 1880, a copy of the "Newspaper Press Directory" for 1880?—I did.

In pursuance of the order contained in that?—Yes.

Is this one of the copies of your publication (produced)?—Yes; that is one of the copies.

At page 126, I find amongst the Dublin newspapers the *Nation,* and after a description of the newspaper, "Proprietor, Mr. T. D. Sullivan"; and the same as regards the *Weekly News*—"Proprietor, Mr. T. D. Sullivan" (the references marked).

Mr. *P. O'Brien.*—With reference to this witness, I wish to say I

appear for Mr. T. D. Sullivan, and I take it that this evidence is given to prove the proprietorship of the *Nation.* I think it right publicly to apprise your lordships that I do not cross-examine him.

Mr. *Macdonogh.*—My friend has my full sanction for saying that. We could not of course in a criminal case admit anything, but we raise no controversy.

Examination of EDWARD LAVENDER resumed.

Mr. *Molloy.*—Did you attend Drumkeeran land meeting on the 11th July?—Yes.

Was Mr. Boyton, the traverser, there?—Yes.

Did he make a speech?—Yes.

Turn to page 3, at the bottom of the page.—Did he propose a resolution?—Yes.—(*Witness* reads)—"Resolved—That any legislation on the Irish land question can never be satisfactory or permanent, which does not abolish absolutely the present system of landlordism."

Go on to the top of the next page?—(*Witness* reads)—"In this resolution you are simply taking up the warcry that has gone forth against the system of landlordism ('down with them.') 'It is not down with them, it is away with it.' You have nothing to do with individuals. You have to do with the system, to which if I might apply the language of that famous orator, Burke, applied by him to the father of landlordism."

Go on lower down?—(*Witness* reads)—"The infamous code of penal laws that have left Irishmen and the children of Irishmen what they are to-day. He said it was an engine of elaborate wickedness, the best fitted to degrade human nature that ever issued from the perverted ingenuity of man. I believe that applies to Irish landlordism ('away with them.') Unless this movement, which I have to tell you, is one purely national, and the men who would to-morrow wish me in this movement of the people of Ireland for the possession of the soil of their fathers is not a truly national movement, I would instantly pray that my tongue might be for ever silent before I would speak a word in favour of the land question (cheers.) It is because this land movement is pre-eminently practical nationalist, because it is a movement of Ireland for the Irish, that me and the like of me, are enabled to" . . . .

Did he speak a second time?—He did.

Go to the next, page 5, where he spoke again?—(*Witness* reads)—"It is something more than is usual to speak twice on the same occasion. I owe you an apology for the remarks which I shall condense into a few words. I don't know now whether I will be able to do it. I heard a man hoot the sheriff and the police. For what? For doing their duty. You learn to do it well, and then you will be in a position to hoot them. I am going to read again for you the resolution that was proposed and spoken to in a manner that gives me the greatest satisfaction, and the greatest hope to know that there are still men in Ireland, who are not afraid to stand on the platform. Resolved—Pardon me a little for telling you the significance that is attached in other countries to passing resolutions. Resolutions have been showered at meetings, but when a resolution is passed at a public meeting, each man that is present, and gives his assent to it, is responsible for his assent, thereto. Now listen, men of Leitrim. Resolved—'That we Irishmen,' mark you, and there are Irishmen here. I wish they would once and for all forget the eloquence, 'here assembled, do solemnly pledge ourselves never to take

a farm from which a tenant has been evicted, and whoever, in the face of this pledge—whoever is base enough to do it, will be politically excommunicated as the greatest enemy to the welfare of his country (cheers).' Now, you have heard the words of this resolution."

Pass on to the next page, 6, line 15?—(*Witness* reads)—"I tell you if you don't unite for the land you will never unite for anything else. Begin to learn the lesson we want to teach you—a lesson that nations, the most powerful on earth, have learned—that the people created by God, people is the power; and that any Government whatsoever, that be a Government of the people, for the people, and by the people, as in the beginning of God Almighty's Eternal Ordinances, that the earth was created for the children of men. I am sorry that I have been betrayed into, perhaps, a burst of oratory. You have hooted and cheered, and I am glad to hear your cheers, and I am glad of the occasion; for the enemies of our country [a break here]. Never be in a position to do anything to fight amongst yourselves. If to-morrow every man at public meetings, who has taken this pledge, would prove himself faithful to it, we could settle the land question in twenty-four hours. Because when you are a united body, and all Ireland to the Land League, when the united people of Ireland pay only the Government valuation, when so united the 600,000 tenant-farmers unwilling to pay more, let them come and get it. I am teaching the people their power. We will send you this message —a message which was sent once before to the same power, to exert the strength that Providence has given us in support of our rights (broken). An appeal to the hearts of all mankind (broken again). And out goes the word 'No more rents,' Then let them send that, and see where they will find a man to take them. And say there is your rent. When you are in a position to stand up and assert your natural rights. They are the rights God has given you, and that landlordism backed by the power and might of Britain deprives you of. When you are standing erect on your own soil, you, the people, will settle the land question (broken), meetings, banners, or cheers (cheers)." (This sentence is broken because I did not catch all the words of it.)

Did one Francis Beirne, make a speech at that meeting?—Yes.

Read it?—(*Witness* reads)—"Fellow countrymen, there is one thing necessary for us all, to stand together as one man. There is a great many branches of the Land League established throughout Ireland. It is the only remedy a poor unfortunate country can have. They have nothing that they can do except to stand against the landlords. One man is as good as another. He has a right to speak to his landlord. No man has a right to pay over the Government valuation (hear). In every part of Ireland they should work hand in hand together. Every tenant should go in, and speak as one man, and say—'We are not able to pay owing to foreign competition. 'We won't pay you more.' If they go take proceedings against you then go determined to work and resist it in every possible way you can. One thing required for the people to understand, that it is quite necessary for them to be organized under the Land League; and by that every person to assist each other; and every person to prove by their acts and deeds that they will not interfere with his neighbour's land. As long as we don't assist one another when a man's land is taken—('Will you do that?')—I ask every man in this crowd to lift his hand before his conscience, that he will do that (a voice —'He will have to do it'.)

Cross-examined by *Mr. Dillon.*

Go now to page 4 of Mr. Boyton's speech. (*Witness* reads)—" In this resolution you are simply taking up the warcry that has gone forth against the system of landlordism. ('Down with them'). It is not down with them ; it is away with it."

Go to the end of page 7 of Mr. Boyton's speech, line 42. (*Witness* reads)—" For I repeat here to-day the maxim of Daniel O'Connell—while I hold that the law of (that is broken) will eventually settle the land question, I say 'That the man who commits a crime gives strength to the enemy' (cheers)."

Who was in the chair at that meeting?—I can tell it by the book (refers to his note book). Mr. Francis Rogan was chairman.

Cross-examined by Mr. J. A. *Curran.*

Was a resolution proposed by Mr. F. Beirne?—Yes.

Read that resolution, please.—What page?

Page 8?—(*Witness* reads)—"That any attempt at fixity of tenure that supports the present exorbitant rents would be visited with poverty and degradation (a break here) against the tenant farmers. We are fully determined never to cease agitation and organization until we obtain such a land reform as will enable occupiers to till the land."

Yours is broken?—Yes.

Mr. *Curran.*—Now, is this the full one?—(Reads)—"That any attempt at fixity of tenure without a reduction of present exorbitant rents, would be but fixity of poverty and degradation. That continually increasing foreign competition operates so detrimentally to the vital interests of the tenant-farmers of this country, we are fully determined never to cease agitating and organizing until we obtain such a measure of land reform as will enable local tribunals to determine the value of land."

Witness.—I do not think that is the resolution at all.

Mr. *Curran.*—And have you got the resolution there?—I have.

But is it not broken?—Yes.

You have not got it entire?—I do not believe I have.

Mr. *Molloy.*—What is the reason you have not the entire of it?—I was in the crowd and could not catch it.

Mr. *Curran.*—Will you swear that is not the resolution?—No, I will not.

Mr. *Molloy.*—In support of that resolution did Mr. James M'Morrow speak?—Yes.

Have you the print of his speech?—I have.

Mr. *Curran.*—Was it long?—Pretty long.

How many pages?—One and a quarter or one and a-half.

Well read it?—(*Witness* reads)—"Mr. Chairman, Ladies and Gentlemen—I have great pleasure in coming forward to second the resolution proposed by . . . . That resolution strikes at the root of the principal grievance under which Ireland is suffering at the present day. That resolution shows that until the tenant farmers of Ireland are so settled that they are as independent as the landlords so long as he pays his way. Now, my friends, we have not come here as revolutionists. We have not come here to confiscate any man's property. We have not come here to do an injustice to any man on the face of God's earth. We tell them that we have as deep an interest in the land of Ireland as they have (cheers.) The land was given by Almighty God for the support of the people, and it

was never intended by any law, human or divine, to suit them and them only. Now, we want this question settled, and until it is settled we shall never be content; and I say it should not be in the power of any landlord to evict people whenever he thought proper, or raise his rent to such a pitch that they cannot live upon the land. The land is the common property of all, though I don't assume to—(broken)—at least I don't take the licence upon myself of saying what it should be. I would say, and most land reformers say so, that a valuator should be selected by the landlord, another by the tenant, and the Government a third, and let the valuation be law of the land, and let no man on earth go beyond that (cheers). We have no desire to keep back the rent from the landlords. We want to pay rents as long as we have landlords. Now, I may differ from many friends on this platform, but I always said, since I was born, what I believe to be right. I say this—(a break here)—People will take peasant proprietary. Now, that is the proper thing for any country, but we want the land question settled first, and let peasant proprietary come after. We are told that this is a new agitation—(A voice, 'Shoot them')—Speaker—('No, no.') (Several voices—'No.') I tell you that the laws, twenty or thirty years ago, are not suitable to the present age. You are now bound up with railways. You have to trade with the rich prairies—the feeder. And the graziers of that country can ship their cattle and send them into European ports, and how are you to stand in competition with them?"

Mr. Sergeant *Heron*.—That will do.

Mr. *Curran*.—You may as well finish it?—(*Witness* reads)—"You are not able to do it. I say, if you are to live on the land; I say, if the people are to pay their way, and landlordism is to exist, I will tell them myself, a friend of the constitution, we are the best friends they have in Ireland. I tell them if they don't come to reasonable arguments and reasonable laws, the day will come when they may not be able to . . . . Go and reclaim mountains, reclaim bogs, and valleys in such a way that you will be able to compete with foreign competition. If you are not able to do that, you cannot pay the rent. If you cannot do that it will be, 'Give up my land.' One-third of them were without their rents for the last twelve months. I am not a man to tell a man not to pay his just debts, but you have a right to feed and clothe yourselves before you give them a shilling. I say that the landlordism of the country—it is not worth three halfpence. And he is an enemy to his class—but he is a fool. I won't detain you longer. We want nothing but what is fair and right, and what you are justly entitled to, yourselves and your children (cheers)."

Mr. *Molloy*.—Did you attend the Land League meeting at Ballinamore, on the 19th June?—Yes.

Did Mr. O'Sullivan, the traverser, attend there?—He did.

Turn to the print, page 3, and read the resolution proposed by Mr. Patrick Brady?—Yes. (*Witness* reads)—"Resolved that as organisation among the people is absolutely necessary for the purpose of obtaining their rights, we therefore pledge ourselves to organise a branch of the Land League in this district."

Did Mr. Patrick M'Donnell make a speech?—Yes.

Turn to the end of the speech, at page 5?—Yes.

Read the last five lines?—(*Witness* reads)—"Let no man take a farm, no matter what has been the cause, from which a man has been evicted. Let him be looked upon as a leper, shun him when you meet him in the streets. In this way the landlords cannot stock your land or mine (cheers.)"

Did Mr. O'Sullivan propose a resolution and make a speech?—He did.

At page 6 read the resolution?—(*Witness* reads)—"That we protest in the name of justice and manhood right against evictions that have taken place in the parishes of Drumleigh, Feenagh, and Oughtera, and we pledge ourselves not to take these or any other farms from which tenants have been evicted, or which may have been surrendered because of inability to pay rent."

Go to line 19?—(*Witness* reads)—"You can only do it by organization. It is not by begging, it is only by action, resistance in every shape and form to the legal robbery which has been too long allowed to pass without interruption. The manner in which a man would act to guard his property from a thief. You must meet together, organise yourselves into branches of the Land League, and once there, you must act in unison."

Go to page 7, line 6, and read?—(*Witness* reads)—"I cannot congratulate you on having good members of Parliament. You must not depend upon them good or bad. You must depend upon yourselves. You cannot go home determined enough to do that. If there be an eviction, let no man take that farm (no, no, and cheers). You pledged yourselves solemnly not to take a farm from which anyone is evicted (never). You pledge yourself never to buy any article which the sheriff may have for sale. If there is to be an auction, let the sheriff hold the sale; but let nothing be bought. Let no man take any farm of land, if he got it for nothing. The land must lie idle. If there is anybody mean or traitor enough to despise the calls of his country, shun him as you would a tiger. He is a moral tiger; for he sucks the blood of you and your little ones. You must to-day hold up your hands here and pledge yourselves that you never will take any farm in the future (hands held up)."

Go to page 8. Did Mr. Francis Murphy make a speech?—Yes, sir. (*Witness* reads)—"Fellow-countrymen, I am glad to see so many of you here to-day to propagate the land work which has so many objects in view (cheers.) One great object of the Land League is to make the tillers of the soil the owners of it. To carry out the great law of the Creator by establishing the right of every child born into the world. They have dared to blaspheme the name of God. They have dared to call themselves lords of the soil. It is to make right this wrong and carry out the will of Almighty, that the Land League was formed—(voice, 'So it was')—and to expose in all its hideousness that monstrous blasphemy called landlordism."

Did Mr. O'Sullivan make a second speech?—He did.

Look at page 11?—Yes.

Just read the commencement of his speech?—(*Witness* reads)—"We have come to the end of a very successful meeting. It now becomes my duty to move that you, Mr. Chairman, do leave the chair, and in proposing a vote of thanks to the chairman, I must congratulate you upon the determined manner in which you have acted. I must request that you will take determination home with you; that determination that you will have it on every occasion. Establish branches of the Land League. They will sustain you. The Land League has already £10,000 (ten thousand) pounds for the support of evicted families. It has also twelve thousand pounds out of its political funds to sustain you against landlordism. It will fight your cause in the law courts; it will show up landlordism to the world; and it will strike down the system, provided you give it that active support which it is necessary to give."

Go to line 26?—(*Witness* reads)—"Rise to your feet like men. Feel yourselves men; not looking to every little shoneen of a landlord in this country above all. On every estate let the tenants band together there. This year don't let your crops be taken from you. Stick to your homes. If you are turned out you will be turned out in a body, and we will build houses there (cheers). Don't pay any rent; you are not able this year. This year you have been living on the charity of the world. You may not be able to pay next year; if you have a good harvest you will. Don't let your children be reared up beggars. Don't attempt to give to the landlords what is necessary for yourselves and your children. Come to the conclusion what rent you are to give him; if he does not take it, go home and put it in your pockets (cheers)."

Cross-examined by Mr. *Adams*.

Look at Mr. Sullivan's second speech?—I am looking at it.

Read from line 7?—"The Land League has already £10,000 (ten thousand) pounds for the support of evicted families. It has also twelve thousand pounds out of its political funds to sustain you against landlordism. It will fight your cause in the law courts; it will show up landlordism to the world; and it will strike down the system, provided you give it that active support which it is necessary to give. In every country where peasant proprietary has been established, there prosperity has been established too. In Belgium, a little country one-third the size of this country, is twice as wealthy, there are one million owners of their soil. In Prussia, there are five millions, and in France, the revolution created eight millions. In the Channel Islands, Switzerland, wherever peasant proprietary exists, there is no such thing as the begging box and pauperism. We mean to do away with pauperism. In this country, seven hundred and forty-four people own half the country. In Scotland twelve men own a fourth of that country. Eight hundred and forty-four own half of England; the English democracy and the Scotch democracy have risen to their position; the Irish landlords were carrying over six or seven millions a year to enrich them. You must determine that you will put an end to that system (a voice—'We will).'"

Mr. *S. Walker*.—You were asked about Mr. M'Donnell's speech. Look at page 4 and read from line 9?—(*Witness* reads)—"The tenant working from year's end to year's end can scarcely make both ends meet. This was called confiscation. It is confiscation that one man can depopulate a whole country side. This is confiscation; we don't want to confiscate any man's right. We are willing to pay the landlord the full value of what belongs to him, say that no man can have the right to say 'go out' (cheers). Every ten or twelve years we have changes of law."

Turn to page 3. You see Mr. Brady's speech?—Yes.

If you have got it read from line 24?—(*Witness* reads)—"I have very little faith in agitation unless it is backed by organisation. It may be done openly and above board, within the constitution. Our brave, glorious, and distinguished leader, Charles Stewart Parnell, is a Protestant (down with O'Donnell). He is to-day Ireland's hope (cheers). He did more for the Irish people than any other living man. He has already won something for us. He forced a million and a half for the Irish Catholic education. He crossed the Atlantic and gathered £6,000 to save the starving Irish people. I ask any person here to-day would it be as bad as '46 and '47 were it not for the efforts of Charles Stewart

Parnell? (cheers for him). The policy he has pursued has infused new hopes, and given us an opportunity of obtaining our rights by constitutional means."

Mr. *S. Walker.*—Should the figures be £6,000 or £60,000?

The *Attorney-General.*—We will take it to be £60,000 to save time.

Mr. *Molloy* (to witness).—Did you attend the meeting at Gurteen on the 18th July?—Yes.

Did Mr. Harris, one of the traversers, attend that meeting?—He did.

Who was the chairman?—Mr. John Laffey.

Read the first of his speech?—(*Witness* reads)—"Men of Gurteen, the object of our meeting here to-day is to establish a branch of the Land League in Gurteen, by which the parish will have an opportunity of doing so (cheers)."

Go to page 4, and read the resolution proposed by John Cogovin? (*Witness* reads)—"That, having heard the principles and objects of the Irish National Land League this day set forth, we pledge ourselves to use every legitimate means in our power to establish a branch of the League in this district."

Was a resolution proposed by Thomas King?—Yes.

Read it?—(*Witness* reads)—"That we solemnly pledge ourselves never to take the land from which a tenant has been evicted, and to oppose by every legitimate means in our power the man so lost to public decency as to occupy one of those holdings."

Go to page 6. Did Mr. Harris make a speech?—He did.

Read the commencement of it?—(*Witness* reads)—"Fellow-countrymen, I fear I would collapse under the kindness of your reception, but that I know that reception is given to me as the representative of the Land League here to-day (cheers), a body that has done more to inspire the sentiments of manliness and determination into the hearts of the Irish peasantry, and it has done more to unite them in the grandest and noblest cause that men could be united in, the cause of the poor, the humble, and the dejected, against the proud, the tyrannical, and the strong. The work of the Land League is to band together the people, the tenant-farmers of this country, against the aristocracy of this country and the abettors of the aristocracy (cheers). I may tell you, my friends, up to the present the progress the Land League has made through the support it has got from the Irish people; the progress that it has made is something wonderful, something that has driven terror into the hearts of the enemies. For, no matter where the exterminating hand may be; he may take refuge in Paris, he may go to that second Sodom, he may go wherever he likes, but wherever he goes the voice of the people will reach him. He feels that at last all his devices, all his plans, all his unprincipled tyranny, are beginning to (broken) him. The people, guided by the true spirit of true religion and purity (cheers), that the people, guided by those noble sentiments, see all the plots and plans and foul schemes that have ever been raised up against them, no matter what they may be; unless they (broken) until they abolish landlordism in this country, and all the foul and bad feeling that is connected with it (cheers)."

That will do; now go to page 8. You see the 11th line?—(*Witness* reads)—"Mr. Harris—The greatest exterminator went forward to be in the club at Galway. Mr. O'Connor, who never quenched a fire, went forward, and because the poor respect him the rich despise him. Both of these men went forward to be members of the County Galway Club. The good man was black-beaned. Any man with any love for

the people—that man was not wanted in the Galway club. That man was black-beaned, but the exterminator, the man whose hands was red with blood, there was not a single black-bean against him (groans)."

Cross-examined by Mr. *M'Laughlin*.

Was there a resolution proposed at that meeting by a gentleman called Griffin?—Yes.

Have you got a copy of it. It begins—"We, the tenant-farmers of Gurteen"?—I have.

Then read it?—(*Witness* reads)—"We, the tenant-farmers of Gurteen and vicinity, do hereby declare that the system of landlordism which prevails in this country is absolutely unjust, having been imposed upon us by violence"——

Wait a moment. Is not this added to it, "And calls for the emphatic condemnation of all lovers of justice"?—I have not that on my note.

I suppose that was also a break?—I have not got it.

I see Mr. Harris, in his speech, referred to the letter received from Dr. Duggan, the Catholic Bishop?—He did.

Look at page 7, line 5, and you will find it?—(*Witness* reads)—"He continued—I am glad to remark that there is not a more patriotic man or a better man in Ireland than the Bishop. In '46, when famine had stricken down the majority of our people, there was no man in Ireland who did more to save the lives of the people. What he was then he is to-day. If you required him in any position to save the people (cheers) that position he would rush forward to occupy. Bishop Duggan has never gone to dine with one of your aristocrats. That is a significant fact."

Was there not a letter read from the bishop at that meeting?—I have not got any.

Will you just listen to it? Have you got a copy of it?—I have not.

Well, it is very short. I'll read it to you. (Reads)—

"Loughrea, July 1st, 1880.

"DEAR SIR—In reply to your letter, special engagements prevent my attendance at your meeting. I have only to assure you that every legitimate and constitutional effort to effect a final and just settlement of the land question has always had, and shall have, my warmest sympathy and best wishes for its success.

"I am faithfully yours,

"PATRICK DUGGAN."

Mr. *M'Laughlin*.—That was the letter Mr. Harris referred to?—I suppose it was.

Do you remember some reference having been made to the opinion of Mr. Isaac Butt?—Yes. Mr. Harris made reference to it.

Will you look to it. It was the last page of his speech. The bottom is torn off, and I do not know what page it is—line 14 on page 9 I think it is? (*Witness* reads)—"Well I don't want to contradict that statement of the chairman"——

No; bring it in with the previous sentence?—(*Witness* reads)—"Our chairman here to-day, he told you that this was a strictly legal constitutional agitation. Well, I don't want to contradict that statement of the chairman. I have the authority of Isaac Butt for saying that the greatest violators of the constitution are the Government of England."

Then there was laughter?—Yes.

Then there was a whole lot more?—Yes.

I suppose you have heard Mr. Harris speak more than once?—I have.

What kind of a speaker is he; is he a bold fluent speaker?—He is.

I suppose you could manage to take about the half of what he speaks?—If I had proper facilities I could take all that he says.

Yes, if you had proper facilities; but you had not proper facilities there; you mean that you could take nearly half?—Nearly half is not all.

Oh, if you are going to be so analytical I am no match for you; if you are so analytical I'll let you go down. You may go down, you see that's the way you throw the whole thing into confusion.

The *Attorney-General.*—That is the last of this witness.

Mr. Justice FITZGERALD.—I suppose it is not worth while to call another.

The *Attorney-General.*—Hardly, my lord.

Mr. Justice FITZGERALD.—Then we will resume at eleven o'clock to-morrow morning.

Mr. *Adams* (to witness).—Before you go down there is just one question. How long have you been in the force?—About twelve years.

The Court then adjourned till next day, at 11 o'clock, A.M.

EIGHTH DAY—THURSDAY, JANUARY 6, 1881.

The Court sat shortly after eleven o'clock.

JAMES PERRY, 1 E, Metropolitan Police, sworn and examined.

Sergeant *Heron*.—You are a sub-constable?—An acting sergeant.

Did you purchase at the office of the *Nation* newspaper the copies of that paper you have now here?—Except one.

Except one; very well. Just state from what date to what date you have them?—The 3rd of May, 1879, to 7th August, 1880. I have not all these papers.

Not all between these dates, but certain papers? Did you purchase each of them at the *Nation* office?—Yes.

And have you kept each from that time yourself?—Not myself, but in a press in the office.

It was you who had the key of that press?—Yes.

How many papers have you got altogether?—Twenty-eight.

Then hand in that bundle.—(Witness hands the papers to Mr. John Fox Goodman.)

MICHAEL M'NALLY sworn and examined.

Sergeant *Heron*.—What rank are you?—Constable in the G Division.

Did you purchase the copies of the *Nation* newspaper you now have?—Yes.

And between what dates?—Between the 4th September and the 30th October, 1880.

Where?—In the *Nation* office.

You may hand them in now. My friend, the Attorney-General, will read the portions necessary. They refer to matters given in evidence.

The *Attorney-General*.—I shall first refer to the speech of Mr. Brennan at the Irishtown meeting, held on the 20th April, 1879. I propose to read, my lord, the report of the meeting at Irishtown, on the 20th April, 1879. Though I am referring to a passage of Mr. Brennan's speech, of course we will put in the whole—"One of the greatest public demonstrations ever witnessed in the West of Ireland took place on Sunday last, at Irishtown, near Claremorris. The object of the meeting was to advocate" ——

Mr. *M'Laughlin* (interposing).—My lord, on the part of Mr. Brennan, amongst others—I appear for him exclusively—I respectfully object to this. I say at the highest, this can only be evidence against the publisher of the newspaper. Will your lordships adopt that view?

Mr. Justice FITZGERALD—I adopt that view to the extent that it is at least evidence against the proprietor.

Mr. *M'Laughlin*.—I say at most, my lord.

Mr. Justice FITZGERALD.—I am not prepared to say at most at present. It may be evidence against all, and it is one of the facts in the case to which, I suppose, presently, when the public prosecutor comes to reply, he will call the observation of the jury, and ask them to infer the common concert of all the parties.

Mr. *M'Laughlin*.—I respectfully submit that it is not evidence against my client at all. I say that it is only evidence against Mr. Sullivan.

The *Attorney-General*—That does not affect the admissibility of it.

Mr. Justice FITZGERALD—We will receive it.

Mr. *M'Laughlin*—Well, my lord, this is the proper time to object to it.

Mr. *A. M. Sullivan*—I respectfully object to this evidence, if it is offered against Mr. Egan, as at most this will be but a record of past transactions made by one of the alleged conspirators. It has been already decided that a record of transactions made by one of the conspirators, or alleged conspirators, cannot be offered in evidence against another. I respectfully submit to the court that this newspaper is but a record at most of what may have been done in the course of these proceedings.

Mr. Justice FITZGERALD—What is the date, Mr. Attorney-General.

The *Attorney-General*—The 3rd of May, 1879. The paper is of that date.

Mr. Justice FITZGERALD—But it is part of the transaction.

Mr. *Curran*—On the part of my client, I have to make the objection that no evidence has been given up to the present which would bring Mr. T. D. Sullivan in connection with the *Nation* paper of that date or any other date. The only evidence is the document handed in yesterday evening, which has not been connected with Mr. T. D. Sullivan. It is not proved to be in his handwriting.

Mr. Justice FITZGERALD—We cannot listen to you to-day on that point—as to what took place yesterday. As far as there can be an admission in a criminal case it was admitted here, both by Mr. O'Brien and the learned leader of the counsel for the prisoner.

Mr. *Peter O'Brien.*—What I said was this, that I appeared for Mr. Timothy Daniel Sullivan; a certain witness was put on the table, and I said, on Mr. Sullivan's behalf, that whilst, my lord, I did not admit anything I did not deny. And I repeat to-day what I said yesterday.

Mr. Justice FITZGERALD.—What you did not deny we took as confessed.

Mr. *P. O'Brien.*—Is it in a criminal case?

Mr. *Curran.*—I thought that in a crown case there could be no admission.

Mr. Justice FITZGERALD.—That's a great mistake, that in a crown case there could be no admission.

Mr. *P. O'Brien.*—I take it that in a crown case you can give a consent, but I did not admit anything.

Mr. Justice FITZGERALD.—What is a plea of guilty but an admission put on the record?

Mr. *M'Laughlin.*—But this is not on the record.

Mr. Justice FITZGERALD.—It is a mistake to suppose there can be no admission in a crown case. I would receive an admission even in a capital case.

Mr. *Curran.*—I think Mr. Macdonogh guarded himself against admitting anything.

Mr. Justice BARRY.—Mr. Macdonogh said he could not admit anything in a criminal case, but that as far as an admission could be given in a criminal case, that he did not dispute the fact.

Mr. *Macdonogh.*—I, as leader, entirely approved of the course adopted by Mr. O'Brien.

Mr. *M'Laughlin.*—I think there is another objection, my lord. It only arose when the learned Attorney-General mentioned the date of the meeting, which I understand to be the 3rd of May, 1879. That cannot refer to any of the scheduled particulars as regards the meetings in the

country, and it must, if at all, come under paragraph 16 of these particulars, which states:—"And, also, that in further pursuance of the said conspiracies respectively you did at divers times since the month of September, 1879, compose, print, and publish, or cause to be composed, printed and published in the said newspapers, called the *Nation* and *Weekly News*, respectively, divers articles and statements." I do not see that what the learned Attorney-General is about to read comes under that, and not being in the bill of particulars, I apprehend he cannot give it in evidence.

Mr. Justice FITZGERALD.—Be good enough to furnish me with a copy of the particulars.

Mr. *M'Laughlin*.—It is only fair to refer to the paragraph pointed to in the schedule, because I see a very elastic character of the language used at the end of the schedule:—"This schedule is not to be taken as precluding the Crown from relying on meetings and proceedings since the 2nd November last, as evidence of the charges mentioned in the foregoing particulars."

Mr. *Curran*.—As I appear as separate counsel for two of the traversers, will your lordships kindly take a note of my objection?

Mr. Justice FITZGERALD.—I thought you appeared for Nally?

Mr. *Curran*.—I appear for Nally, and also for Mr. Gordon, and I am also for Mr. Biggar, with another counsel.

Mr. Justice BARRY.—What is your objection?

Mr. *Curran*.—My objection is that there is no evidence here to connect Mr. T. D. Sullivan with the *Nation* newspaper.

Mr. Justice BARRY.—That is rather awkward, because it was given in evidence yesterday without objection.

Mr. *Curran*.—There were documents given in which did not support that fact.

Mr. Justice FITZGERALD.—I should like to ask a question. I do not ask for any admission, but I should like to know if it is conceded that on the 20th April, 1879, Mr. T. D. Sullivan was proprietor of the *Nation*.

Mr. *P. O'Brien*.—Your lordship asks me a question, and I would like to give you a distinct answer, and I would like the answer to be taken down in writing if necessary. I appear for Mr. Timothy Daniel Sullivan, and certain evidence has been given in against him; and what I say is this, with reference to the *Nation*, as to whether he is the editor of the *Nation* or not—as to whether he is the proprietor or not, I make no admission. I admit nothing. I consent to the admission of no evidence; but whilst, my lord, I do not admit, I, my lord, do not deny anything, and I say, "take what is put in for what it is worth, if it proves his proprietorship. If it proves that illegally, be it so; if it proves it legally, be it so also.

Mr. Justice FITZGERALD.—I do not ask you do you admit it, but do you deny it, and not denying it there is ample proof of it.

The *Attorney-General*.—We have had it in evidence that Mr. Dillon apologised for the absence of Mr. Sullivan from one of the meetings—"I wish to state that I was requested by my friend, Mr. T. D. Sullivan, of the *Nation*"——

Mr. Justice FITZGERALD.—That would not be an admission. It is only a statement by Mr. Dillon. You have it in evidence that he was proprietor, not alone for 1880, but also for 1879. There is another important objection made by Mr. M'Laughlin standing on a different ground, that it does not come within the range of the bill of particulars.

Mr. *M'Laughlin*.—Or any portion of it. I refer to paragraph 16 of

the bill of particulars, and to the schedule, my lord, where there is no such date, and also to the paragraph appended to the schedule.

The *Attorney-General.*—The schedule to the bill of particulars states that certain meetings would be given in evidence.

Mr. Justice FITZGERALD.—This meeting of the 20th April is not amongst those in the schedule.

The *Attorney-General.*—No, my lord, it is not.

Mr. Justice FITZGERALD.—You commence in 1880?

The *Attorney-General.*—In 1880, my lord.

Mr. Justice BARRY.—And you prove the fact of the meeting merely by reading the newspaper report. That would seem to come within the objection made by Mr. Sullivan, that it would be merely a record by one of the conspirators of an event that has taken place.

The *Attorney-General.*—But the record that such a thing took place is evidence against him.

Mr. Justice BARRY.—Oh, yes, against him, but not against the others.

Mr. *M'Laughlin.*—But not the fact that the meeting took place.

The *Attorney-General.*—The admission that he represented a certain meeting as having taken place would be evidence.

Mr. Justice FITZGERALD.—At present we will receive it only as against Mr. T. D. Sullivan.

Mr. *M'Laughlin.*—Your lordships will pardon me, for there is no desire on my part to waste time. But this is the first occasion on which the Crown has thought it right to transcend the limits of their full and correct bill of particulars. But, however, this particular matter may be with reference to Mr. Sullivan, it raises a very grave question as to whether the particulars are to be disregarded or observed. I ask your lordships to rule, having regard to the ample bill of particulars, and the schedule and the note attached thereto, that this cannot be given in evidence without an amendment of the particulars, and that, I submit, the court cannot do. We must deal with this at the threshold. I may add that if the Attorney-General can point out, in the general language of these sixteen paragraphs, anything that can fairly allow him to give this in evidence I will waive the technical objection.

Mr. Justice FITZGERALD.—What is paragraph 16—"That in further pursuance of the said conspiracies respectively, you did at divers times since the month of September, 1879, compose, print, and publish, or cause to be composed, printed, and published in the said newspapers, called the *Nation* and the *Weekly News* respectively, divers articles and statements."

Mr. *Nolan.*—Your lordships will take that I make the same objection?

Mr. Justice FITZGERALD.—We will take you all as objecting.

Mr. *Nolan.*—But do your lordships require them to amend the bill of particulars? They are taking in six months additional without amending the particulars.

Mr. Justice FITZGERALD.—I am inclined to think that your evidence, Mr. Attorney-General, covers such large ground that it would be better to confine yourself to your particulars.

The *Attorney-General.*—There seems to be some misunderstanding in reference to this. The first two paragraphs of the bill of particulars amply covers it. They allege that these gentlemen did conspire, as we allege they did in the information, and this is merely given in evidence as one of the overt acts. One of the overt acts was that Mr. Sullivan published in his paper the fact that this meeting took place. It is

was never intended by any law, human or divine, to suit them and them only. Now, we want this question settled, and until it is settled we shall never be content; and I say it should not be in the power of any landlord to evict people whenever he thought proper, or raise his rent to such a pitch that they cannot live upon the land. The land is the common property of all, though I don't assume to—(broken)—at least I don't take the licence upon myself of saying what it should be. I would say, and most land reformers say so, that a valuator should be selected by the landlord, another by the tenant, and the Government a third, and let the valuation be law of the land, and let no man on earth go beyond that (cheers). We have no desire to keep back the rent from the landlords. We want to pay rents as long as we have landlords. Now, I may differ from many friends on this platform, but I always said, since I was born, what I believe to be right. I say this—(a break here) —People will take peasant proprietary. Now, that is the proper thing for any country, but we want the land question settled first, and let peasant proprietary come after. We are told that this is a new agitation—(A voice, 'Shoot them')—Speaker—('No, no.') (Several voices —'No.') I tell you that the laws, twenty or thirty years ago, are not suitable to the present age. You are now bound up with railways. You have to trade with the rich prairies—the feeder. And the graziers of that country can ship their cattle and send them into European ports, and how are you to stand in competition with them?"

Mr. Sergeant *Heron*.—That will do.

Mr. *Curran*.—You may as well finish it?—(*Witness* reads)—"You are not able to do it. I say, if you are to live on the land; I say, if the people are to pay their way, and landlordism is to exist, I will tell them myself, a friend of the constitution, we are the best friends they have in Ireland. I tell them if they don't come to reasonable arguments and reasonable laws, the day will come when they may not be able to . . . . Go and reclaim mountains, reclaim bogs, and valleys in such a way that you will be able to compete with foreign competition. If you are not able to do that, you cannot pay the rent. If you cannot do that it will be, 'Give up my land.' One-third of them were without their rents for the last twelve months. I am not a man to tell a man not to pay his just debts, but you have a right to feed and clothe yourselves before you give them a shilling. I say that the landlordism of the country—it is not worth three halfpence. And he is an enemy to his class—but he is a fool. I won't detain you longer. We want nothing but what is fair and right, and what you are justly entitled to, yourselves and your children (cheers)."

Mr. *Molloy*.—Did you attend the Land League meeting at Ballinamore, on the 19th June?—Yes.

Did Mr. O'Sullivan, the traverser, attend there?—He did.

Turn to the print, page 3, and read the resolution proposed by Mr. Patrick Brady?—Yes. (*Witness* reads)—"Resolved that as organisation among the people is absolutely necessary for the purpose of obtaining their rights, we therefore pledge ourselves to organise a branch of the Land League in this district."

Did Mr. Patrick M'Donnell make a speech?—Yes.

Turn to the end of the speech, at page 5?—Yes.

Read the last five lines?—(*Witness* reads)—"Let no man take a farm, no matter what has been the cause, from which a man has been evicted. Let him be looked upon as a leper, shun him when you meet him in the streets. In this way the landlords cannot stock your land or mine (cheers.)"

Did Mr. O'Sullivan propose a resolution and make a speech?—He did.

At page 6 read the resolution?—(*Witness* reads)—"That we protest in the name of justice and manhood right against evictions that have taken place in the parishes of Drumleigh, Feenagh, and Oughtera, and we pledge ourselves not to take these or any other farms from which tenants have been evicted, or which may have been surrendered because of inability to pay rent."

Go to line 19?—(*Witness* reads)—"You can only do it by organization. It is not by begging, it is only by action, resistance in every shape and form to the legal robbery which has been too long allowed to pass without interruption. The manner in which a man would act to guard his property from a thief. You must meet together, organise yourselves into branches of the Land League, and once there, you must act in unison."

Go to page 7, line 6, and read?—(*Witness* reads)—"I cannot congratulate you on having good members of Parliament. You must not depend upon them good or bad. You must depend upon yourselves. You cannot go home determined enough to do that. If there be an eviction, let no man take that farm (no, no, and cheers). You pledged yourselves solemnly not to take a farm from which anyone is evicted (never). You pledge yourself never to buy any article which the sheriff may have for sale. If there is to be an auction, let the sheriff hold the sale; but let nothing be bought. Let no man take any farm of land, if he got it for nothing. The land must lie idle. If there is anybody mean or traitor enough to despise the calls of his country, shun him as you would a tiger. He is a moral tiger; for he sucks the blood of you and your little ones. You must to-day hold up your hands here and pledge yourselves that you never will take any farm in the future (hands held up)."

Go to page 8. Did Mr. Francis Murphy make a speech?—Yes, sir. (*Witness* reads)—"Fellow-countrymen, I am glad to see so many of you here to-day to propagate the land work which has so many objects in view (cheers.) One great object of the Land League is to make the tillers of the soil the owners of it. To carry out the great law of the Creator by establishing the right of every child born into the world. They have dared to blaspheme the name of God. They have dared to call themselves lords of the soil. It is to make right this wrong and carry out the will of Almighty, that the Land League was formed—(voice, 'So it was')—and to expose in all its hideousness that monstrous blasphemy called landlordism."

Did Mr. O'Sullivan make a second speech?—He did.

Look at page 11?—Yes.

Just read the commencement of his speech?—(*Witness* reads)—"We have come to the end of a very successful meeting. It now becomes my duty to move that you, Mr. Chairman, do leave the chair, and in proposing a vote of thanks to the chairman, I must congratulate you upon the determined manner in which you have acted. I must request that you will take determination home with you; that determination that you will have it on every occasion. Establish branches of the Land League. They will sustain you. The Land League has already £10,000 (ten thousand) pounds for the support of evicted families. It has also twelve thousand pounds out of its political funds to sustain you against landlordism. It will fight your cause in the law courts; it will show up landlordism to the world; and it will strike down the system, provided you give it that active support which it is necessary to give."

Sergeant *Heron*.—The silence of Mr. Macdonogh is the most eloquent commentary on Mr. O'Brien's argument.

Mr. *O'Brien*—That is the first remark Sergeant Heron has ventured to make.

Mr. *M'Laughlin*.—Oh, no; he made a similar remark before the Master, endeavouring to create a feud between one counsel and another.

Mr. *Macdonogh*.—Allow me to say one word. I am remaining very quiescent. I am very anxious to allow my learned friends to close their reading, that I may approach the facts and go to the jury.

Mr. *O'Brien*.—Now, Sergeant Heron ought to be satisfied—he has got his answer.

The *Attorney-General*.—Perhaps Mr. Goodman would be kind enough to take the copy of the numbers of the 25th October. There are three before that which may be laid aside altogether now—the 3rd May, 14th June, and 21st June.

Mr. *Goodman*.—The number of the 25th October is not among the first bundle handed in.

The *Attorney-General*.—It is in Perry's bundle.

Mr. *Goodman*.—Do you mean the 25th of October, 1879?

The *Attorney-General*.—Yes. The witness (Sergeant Perry) will find it for you.

Mr. *Goodman*.—It does not appear to be in either bundle. Oh, yes, the witness has found it. Do I now mark the entire paper or only the passages read?

Mr. Justice FITZGERALD.—Mark as portion of the evidence entered by the prosecutor the entire of the articles or reports from which the Attorney-General quotes.

The *Attorney-General*.—Quite so; not the entire paper. I propose to read from this number of the 25th October the first, or I should call it *the* leading article.

Mr. Justice BARRY.—On what page of the *Nation*?

The *Attorney-General*.—On page 8 of the number of the 28th of October. It is headed, I may mention for the purpose of identification, "The National Land League," and commences—"No better work for Ireland has been done for a considerable time than was accomplished in Dublin on Tuesday last, when 'The Irish National Land League' was founded." I don't read the whole of it. I have already read portions of it in opening the case.

Mr. *Macdonogh*.—And I will read such portions as I deem proper when I come to address the jury.

The *Attorney-General*.—Mr. Goodman, I should have begun at page 5. There we have a report of the meeting, the initial meeting of the Irish National Land League. It is at page 5, column 1—"In response to a circular from Mr. Parnell, M.P., a meeting was held in the Imperial Hotel, Dublin, on Tuesday, at two o'clock, for the purpose of forming a central body in connexion with the present land agitation. The chair was taken by Mr. A. J. Kettle, P.L.G." Then we have among the names of those present, Mr. Parnell, M.P., Mr. Davitt, Thomas Brennan, Patrick Egan, T. D. Sullivan, and a good many others.

Mr. *Macdonogh*.—And several Roman Catholic clergymen, Mr. Attorney.

The *Attorney-General*.—Well, I don't see them.

Mr. *Macdonogh*.—Oh! pardon me—the Rev. Mr. Behan, C.C., and ——

The *Attorney-General*.—I will read the whole of them, that is the shortest way:—"Amongst those present were Mr. C. S.

Parnell, M.P.; the Rev. Mr. Behan, C.C.; Lawrence M'Court, P.L.G. (that is Poor Law Guardian, I suppose); William Dillon, B.L., James Rourke; George Delany; the Rev. Father Sheehy, William Kelly, Donabate; Patrick Cummins, P.L.G.; Thomas Roe, *Dundalk Democrat*; John Sweetman, Kells; Michael Davitt, Thomas Brennan, Thomas Grehan, Loughlinstown; Patrick Egan, Thomas Ryan, J. F. Grehan, P.L.G., Cabinteely; T. D. Sullivan, Charles Reilly, Artane; Dr. Kenny, R. J. Donnelly, James O'Connor, &c.,"—that is all I find here, and the list only includes two clergymen. There were some letters read, which I need not trouble you with, and then the first resolution, proposed by the Rev. Father Behan, and seconded by Mr. Dillon, was in these words:—"That an association be hereby formed to be named the 'Irish National Land League.'" That is at page 5. The other resolutions, of course, may be all taken as read, but I don't stop to read more. I read secondly, in the same paper, the principal leading article headed "The National Land League," which makes observations on the facts recorded in the report on the previous page, and concludes thus:—"Let them (that is the Irish people)—steadily, resolutely, and liberally, support the operations of the Irish National Land League, and the day of their emancipation from a hateful and ruinous tyranny is not far distant." Now, the next number I go to is that of November the 8th——

Mr. *Macdonogh.*—Let us dispose of this as we go along, to save time ——

Mr. Justice FITZGERALD.—Do you wish to read anything from that, Mr. Macdonogh?

Mr. *Macdonogh.*—No, my lord, but to take it as entered, and then I will read such passages as I may think necessary in the course of my speech—that is the most convenient course.

Mr. Justice FITZGERALD.—Manifestly, and a very proper course to follow.

Mr. *Macdonogh.*—The learned Attorney-General enters all the resolutions—the entire meeting, in fact, beginning at the heading—"The Irish National Land League," and going on to the vote of thanks adopted at the close.

The *Attorney-General.*—I enter the entire report of the meeting on page 5, and that includes all Mr. Macdonogh wants.

Mr. *Macdonogh.*—When the proper time arrives, I shall ask your lordships' leave to read such portions as I think advisable of the whole.

The *Attorney-General.*—Of the whole what—the paper or articles I have read from?

Mr. *Macdonogh.*—The whole number, of course ——

The *Attorney-General.*—Oh, that is another question ——

Mr. *Macdonogh.*—But I openly avow it now ——

Mr. Justice FITZGERALD.—And it will be considered when the question arises.

The *Attorney-General.*—All that we enter now is the report of the meeting and the leading article.

Mr. *A. M. Sullivan.*—I wish to say that it is my intention to put in evidence everything in every number that is given in for the Crown affecting my client.

The *Attorney-General.*—That will be discussed when the question arises. I may observe that the very point was decided in the Queen *v.* O'Connell——

Mr. *S. Walker.*—I think it would tend to the convenience of all parties if this were settled now. This (the *Nation*) is a bit of paper

thrown down, as coming from the office of Mr. Sullivan, and affording evidence against him. So your lordships have received it. It is an act done—the whole number is evidence against him. I cannot understand how any portion of it can be segregated, provided that it qualifies or bears upon the evidence against my client.

Mr. Justice FITZGERALD.—The learned Attorney-General does not put in the whole paper as his evidence. He gives nothing but the report of the meeting and the leading article.

Mr. *Walker.*—And we put in the rest of the number, proceeding just as we did in regard to speeches at meetings. Some of these were put in by the prosecutor, others by the traversers.

The *Attorney-General.*—That cannot be done now, I submit; and it would be highly inconvenient. When it is proposed to put in the entire paper and when we come to discuss the matter, I will show that the question has been already ruled in the O'Connell case, and in Darby and Ouseley (1st Hurlstone and Norman's report, page 1).

Mr. *O'Brien.*—On behalf of Mr. Sullivan, I am very anxious to have all those things put in evidence now.

Mr. Justice FITZGERALD.—Don't you think it would come better hereafter, and not to interrupt the case for the prosecution at present?

Mr. Justice BARRY.—It may turn out that there is not one single word in the paper outside what is already given in evidence that could possibly be relied upon, and to consider and decide the question as to the admissibility of the evidence now would be merely to discuss and determine an abstract proposition on the law of evidence, before any necessity arises. I for one must refuse to do that.

Mr. Justice FITZGERALD.—It is not the time for you to offer evidence at present.

Mr. *O'Brien.*—Would your lordship lay down a rule that we read this ——

Mr. Justice FITZGERALD.—We lay down no rule.

The *Attorney-General.*—Mr. O'Brien is not giving evidence now.

Mr. *M'Laughlin.*—The Attorney-General said a few days ago when we read portions of speeches that they were now evidence for the traversers, so that it was my learned friend himself who laid down that rule expressly.

Mr. Justice FITZGERALD.—That was a report of a particular meeting.

The *Attorney-General.*—I propose now, my lords, to go to the number of the 8th November, 1879, and read the first paragraph on the first page—(reads)—"The Executive of the National Land League has issued an important address to the Irish people, which we publish in another column of our present issue. It is an appeal to the farmers of Ireland, and to all others interested in a settlement of the land question for practical assistance in the efforts which are now being made to secure the soil of Ireland for those who cultivate it. It points out the favourable character of the present opportunity to achieve that great object, and it reminds the people that the best arguments for obtaining help from our exiled countrymen and other sympathisers will be the practical efforts we at home will make to show our earnestness in the cause for which we solicit their generous support. That a fitting response will be made we entertain no doubt, and that aid will come from even unexpected quarters there is an assurance in the letter to the President of the League from a landlord, enclosing a subscription of £20, and promising to send an additional subscription of £100, if it is required." Now, my lords, I propose to read, or put in rather, the address of the Irish National Land League to the Irish people, which is on page 5 of

the same number of this paper, and is signed by Charles S. Parnell, Joseph Biggar, W. H. O'Sullivan, Patrick Egan, A. J. Kettle, Michael Davitt, and Thomas Brennan as the Executive Committee. That address was issued at a meeting of the Executive of the Irish National Land League held on Wednesday, the 5th, at the offices, 62 Middle Abbey-street, Mr. C. S. Parnell, M.P., in the chair.

Mr. Justice FITZGERALD—That is an address of the Irish National Land League?

The *Attorney-General*—Yes, an address of the Irish National Land League to the Irish people. That is the heading.

Mr. Justice FITZGERALD—On what page is that?

The *Attorney-General*—Page 5 of the paper, my lord. I go now to the next date, the 15th November, and I read two paragraphs from the first page—the third and fifth paragraphs of the first column. "Last Sunday the West again spoke out on the land question. Meetings in furtherance of the land agitation were held in Corofin, county Galway, and in Kilmaine, county Mayo. In the former place the Rev. Father M'Donagh, P.P., and Mr. Davitt were the principal speakers; in the latter Mr. Daly, of Castlebar, and Mr. Louden, of Westport. . . . . Needless to say that the patriotic feeling of the people found expression, also in the display of national emblems and of banners bearing patriotic mottoes, while pikemen and horsemen—now invariable features of western demonstrations—occupied conspicuous positions. At Corofin the Government were represented as usual by a detective reporter, who was the occasion of a rather humorous incident at the close of the proceedings. We refer to the fact that the Rev. Father M'Donagh, Mr. Davitt, and another gentleman mystified him considerably by addressing the assembled thousands in Irish." Then the other article that I propose to read is a little lower down, the last one in that column in which the announcement is made that the value of land is decreasing rapidly in this country. "The value of land in Ireland is rapidly decreasing. In the Landed Estates Court on Saturday last six properties were put up for auction, but only in two of them were sales effected. For some no bidders at all were forthcoming. Judge Flanagan, commenting on this state of things, said there appeared to be at present owing to a variety of causes, an undue depreciation of property, and that under such circumstances he would allow the sales to be adjourned. We fancy that they will have to be adjourned to a very remote period if the owners expect the prices that might have been obtained even six months since, and to tell the truth those prices were preposterously high."

Mr. *M'Laughlin.*—Read on to the end of the paragraph.

The *Attorney-General* continued to read as follows—"On Tuesday further evidence of the depreciation was afforded in Judge Ormsby's Court. Lands in the counties of Meath, Dublin, and Louth were put up for sale, but the biddings in all cases proved insufficient, in some there were no biddings at all, and eventually all the sales were adjourned at the request of the parties."

Mr. *O'Brien.*—With reference to the first article that you read, I think you omitted the sentence—"We need not indicate the character of the speeches or resolutions, sufficient to say that they echoed the cry which has now been ringing throughout the land for the last six months."

The *Attorney-General.*—Of course I don't read the whole articles—I only read the portions I consider necessary, because everybody will forget all about them before we come to the end of the trial.

Mr. *M'Laughlin.*—That would be a reason for not reading them at all.

The *Attorney-General.*—Now, my lords, I propose to go to the paper of the 3rd January, 1880, and read a paragraph from the first column—"The Committee of the Irish National Land League held a meeting on Tuesday last, at which several important suggestions regarding the formation and management of district land clubs were adopted, sending the preparation and issue of a set of rules. We commend those suggestions to the attention of our readers in the provinces, and we hope that no time will be lost in establishing branches of the League in every county in Ireland. We observe with satisfaction that this week a good example has been set in this matter in the county Roscommon. The Committee of the Land League also adopted at its meeting on Tuesday a resolution stating that in view of the urgency of the existing distress, the Land League will undertake to receive and distribute any assistance which may be entrusted to it for that purpose. It may be added that Mr. Davitt, one of the honorary secretaries, spent Christmas week in investigating the state of the West in relation to the distress, and that, therefore, he and his fellow members are as competent as any other persons in Ireland to act judiciously in the work of finding out the localities most in need of relief." At page 5, in the same paper, we find a report of the proceedings of the Irish National Land League on the previous Tuesday, at which, amongst others, Mr. Egan, one of the traversers, was there. Mr. Brennan was also present. At that meeting rules were adopted for the formation of branches of the Land League, and they are the same as I read in my opening statement. I propose to enter the rules and the report of that meeting. (Paper containing report handed in.)

Mr. *Macdonogh.*—That is, you give in the whole report, beginning at the heading, "The Irish National Land League," and ending with the words, "Committee meetings to be held weekly at 2 P.M. on Tuesdays."

The *Attorney-General.*—Yes. The next paper I go to is the 7th of February.

Mr. *O'Brien.*—Would you allow me to suggest this? There are matters here that we would wish to have read, and I suggest that they should be read now. If we are to read these extracts not now but in our speeches hereafter, the thing will be simply interminable; and I would suggest now that you allow us to read these parts of the proceedings once for all.

Mr. Justice FITZGERALD.—Do you mean any part that the Attorney-General is not reading?

Mr. *O'Brien.*—Not any distinct part of the particular article quoted from, but there are other things in the paper we would ask you to allow us to read.

Mr. Justice FITZGERALD.—This is not the proper time to discuss that.

Mr. *O'Brien.*—My friend may have to have the penalty hereafter then.

The *Attorney-General.*—The passage I refer to in the paper of the 7th February is in column 2 of the first page—"The Land League is rapidly extending its ramifications through the country. We report to-day the formation of four or five new branches in various parts of the West and South. That there is ample work to be done for all such bodies goes without saying. They are amongst the best agencies for the distribution of relief; and acts of landlord injustice and oppression which they are the most competent to expose and denounce, are every-

where abundant. Above all they can do excellent service in collecting statistics of rack-renting." We now pass on to the paper of the 14th, my lords. On page 2 and in column four of that paper we find the following paragraph — "The following placard has been extensively posted in Dublin—'Land and Labour— A great public meeting, under the auspices of the Irish National Land League, to advocate the right of the people to the land, and in support of the cause of labour, will be held in the Phœnix Park, Dublin, on Sunday, 22nd February, 1880. Citizens of Dublin, show by your presence that you sympathise with your countrymen struggling with landlord wrong, and that you will aid them in their noble endeavour to keep a firm grip of their homesteads, and live in the land of their birth. Artizans of Dublin, the cause of the tiller of the soil is the cause of labour, and therefore your cause. Assemble in the might of your numbers and aid your brothers in the assertion of the God-given right to the soil they till. The four gentlemen at present under prosecution by the Government—Messrs. Davitt, Brennan, Daly and Killen, as also Mr. Joseph G. Biggar, M.P., Mr. John Ferguson, of Glasgow, Mr. W. H. O'Sullivan, M.P., Mr. Louden, B.L., Mr. T. D. Sullivan, Mr. A. J. Kettle, and other speakers will address the meeting. Land and liberty." And in the third page, the next page of the same number, I find a report of a meeting of the Irish National Land League, held on the 6th of February, at which Mr. T. D. Sullivan presided. I enter the whole of that report, which commences—"A meeting of the Irish National Land League was held at the League offices, in Abbey-street, on the 6th inst., Mr. T. D. Sullivan in the chair."

Mr. *M'Laughlin.*—Do you read the whole of that report?

The *Attorney-General.*—I am not bound to read the whole of it physically. I enter the whole report of the meeting, but I only read a portion of it.

Mr. Justice FITZGERALD.—I think you may trust to the watchfulness of Mr. Macdonogh.

Mr. *O'Brien.*—We all know that.

Mr. *M'Laughlin.*—I thought the Attorney would not care in reading that to interfere with the United Liberal Club.

The *Attorney-General.*—We now go to the *Nation* of the 21st February, 1880, which contains a report of a meeting of the Land League, held on the 13th February. Mr. T. D. Sullivan presided at that meeting, and Mr. O'Sullivan, secretary, announced the receipt of subscriptions to the funds of the League from various branches. A letter signed "A poor distressed widow," and purporting to be written from Kells, was read as to distress prevailing in the lower part of Meath. The writer stated that on two estates the inability to pay rent had been followed by a shower of ejectments. Would the League allow this cruelty to be carried on? For the love of God and your country stop the evictions and save us from ruin. Mr. Davitt said the letter was sent to Mr. Biggar and Mr. Power, and they had suggested that a meeting at Kells might induce the landlords to abandon the threatened evictions. Mr. Reddington, of the Queen's County Independent Club, waited on the League, to announce that the club intended to hold two indignation meetings—one at Maryborough, on Sunday next week, on behalf of the Pallas tenantry, and the other in Borris-in-Ossory, on the following Sunday—and he was requested particularly to ask that Mr. Davitt and Mr. Brennan should be sent down as a deputation, on the part of the League. The next meeting number I refer to is the 13th March, in which the following paragraph occurs :—

"To-morrow's meeting in the Phœnix Park. A great land and labour meeting promoted by the Irish National Land League, will be held in the Phœnix Park, on to-morrow (Sunday). Important resolutions dealing not only with the land laws as to their direct effects, but also with the evil consequences of these laws on the general interests of trade and labour in Ireland, will be submitted at the meeting and spoken to by delegates of the trades of Dublin, and representative men from various parts of the country. Most of the prominent men connected with the land agitation may be expected to take part in the proceedings. The trades will join in force, and there is reason to expect that the occasion will be distinguished by every element of a great popular demonstration." Then it states that the rules were agreed upon, and that at yesterday's meeting of the Land League a number of gentlemen were present whose names are given.

Mr. *Goodman*.—That paragraph appears to have been taken from the *Irish Times*.

Mr. Justice FITZGERALD.—Reprinted from the *Irish Times*.

The *Attorney-General*.—The line appears over that part of the paper where this paragraph appears—"The following appeared in our edition of last week."

The next paragraph I refer to is contained in the paper of the 20th March—"The introduction of the land agitation into Dublin was effected on Sunday in the most remarkable and impressive manner. The meeting, which on that day took place in the Phœnix Park, within sight of the Viceregal Lodge, was certainly one of the greatest, in point of numbers, ever held in Dublin or perhaps in Ireland. The procession of the trades, which was over a mile in length, was certainly a most remarkable feature of the demonstration; but on reaching the place of assembly, it was swallowed up in the much vaster concourse which gathered round the drags on which the organizers occupied places. Altogether, there must have been about one hundred thousand persons present, at the Nine Acres, when the proceedings of the day commenced, and, although the weather was for the most part of the time very inclement, the immense multitude remained enthusiastic spectators to the close. The speakers of the day included the four gentlemen under prosecution for sedition, and other leading members of the Land League, with one or two representatives of the trades of Dublin, all of whom, but especially Messrs. Davitt and Brennan, were very cordially received. As to the nature of the pronouncement made on the occasion, it will be sufficient to say that a demand was made for the abolition of landlordism and the establishment of a peasant proprietary; that the land question was declared to be an artizans' question as well as a farmers' one; that continued organization under the auspices of the League was shown to be absolutely essential to the success of the movement, and a resolution of thanks to the people of America for what they have done for Ireland in this crisis was unanimously adopted." Then, my lords, I put in the report of the meeting in the same paper. The report contains the speech made by Mr. Davitt—there were other speakers also—who returned thanks for the reception given to him, and stated that "the men who till the soil should own it."

The *Attorney-General*.—I go, my lords, to the 8th May.

Mr. *O'Brien*.—I beg your pardon. Of the first resolution the Attorney-General read three lines.

The *Attorney-General*.—I read the operative part—(reading)—"Be it therefore resolved that the prosperity of Ireland"——

Mr. *O'Brien.*—I will read the preceding part (reading)—"Whereas the institution of Irish landlordism has had its origin in the subjugation of our country, and the confiscation of its soil to adventurers and enemies of the people who owned it. And whereas this great national wrong has impoverished our land by restricting its proper cultivation, and pauperized our agricultural classes by imposing a tax upon their industry in the form of unjust and exorbitant rents. And whereas the agrarian crime which has disturbed the peace of our country is a consequence of the said spoliation and a result of the system of land monopoly which followed therefrom; be it therefore resolved"——

The *Attorney-General.*—I thought that would be more effective in Mr. Macdonogh's speech.

Mr. *O'Brien.*—It shortens the matter.

The *Attorney-General.*—The 8th of May is the next, on page 1—(reading)—"On Saturday and Sunday respectively great land meetings were held in Balla and Irishtown, at which *inter alia* the programme of the Conference was formally approved, and at which Mr. Parnell, Mr. Davitt, Mr. O'Kelly (the member for Roscommon), and Mr. Louden defended the Conference programme from the criticisms to which it has been subjected not only by the landlord press, but by newspapers that have hitherto professed themselves the friends of the tenant-farmers. Mayo, in fact, has shown that it is thoroughly in favour of the programme in question, and in doing so has certainly manifested its consistency, for since it commenced the present land agitation, it has declared at every successive meeting that only the establishment of a peasant proprietary could permanently and satisfactorily settle the Irish land question. The meeting at Irishtown possessed a peculiar interest, since it was in commemoration of the initiation in that place, in May last year, of the land movement, which has already been marked by over one hundred magnificent demonstrations, and has had such a wholesome influence on the elections; and appropriately enough, one of the chief speakers at this meeting was Mr. Davitt, who with Mr. Brennan and one or two others, was the principal figure at the first Irishtown demonstration. Let us hope that Irishtown will soon be enabled to celebrate, in a similar and even more effective manner, the triumphant close of the agitation to which it has given birth."

Then at page 13, of the same number, there is a report of the Land League meeting of the previous week, at which Mr. Patrick Egan, Mr. Brennan, and Mr. Boyton are reported to have been present, the report is taken from the *Freeman* (reading)—"Mr. Brennan said that the committee would remember that they had undertaken the support of the families of the persons now in prison for resisting process servers in the West. There were ten families maintained at the cost of £5 per week. A letter from the secretary of the Westport branch of the League stated that a grant for food and for clothes for the children of these poor people was needed. On the motion of Mr. Egan, seconded by Mr. Donnelly, a grant of £20 for food, and £10 for clothes was agreed to."

Now I go to the 29th May, page 13. It is a small short paragraph which I read in my opening statement; it is headed "Evictions in county Mayo" (reading)—

"Evictions in County Mayo.—A man named M'Donogh, living at Balla, county Mayo, who had taken a farm lately in the occupation of a widow, has been summoned by the Branch National Land League to explain the act and to abandon all claims, forfeiting a year's rent. Notices are posted up threatening the life of anyone taking a farm."

Now on the 5th of June, at the foot of the second column, page 1—(reading)—"Some evictions that have recently taken place in the county Roscommon have been the cause of a great land meeting near Ballaghaderin, at which the junior member for Roscommon and Mr. Thomas Brennan represented the Land League and delivered strong speeches. The evictions in question are alleged to have been carried out by, we regret to say, a lady, and have excited no slight commotion in the district. Since the meeting further evictions have taken place in the county, but whether on the same estate we are unable to say. Altogether the sheriff seems to be kept pretty busily employed just at present in the West, the condition of which therefore hardly justifies the hope expressed by Mr. Forster that the Irish landlords would not, in this season of distress, exercise their extreme rights."

Now I go to the 12th June, in the first column, page 13, is a report of the meeting of the Land League that week, taken from the *Freeman*—present, Brennan, Egan, Boyton, and others. About the middle of the report there is this passage (reading)—"Mr. Egan said all they could do was to relieve evicted tenants, and to create such a state of feeling in the country as would prevent any man from taking a farm from which another had been evicted, or buying anything of which a tenant had been deprived under a sheriff's decree."

Mr. *O'Brien.*—There are two passages here I would like to read—just before what you read—(reading)—"Mr. Brennan said applications had been received from almost every part of the country asking that the League should assist the tenants in defending ejectments. Something about a thousand letters had come within the last week on the subject. Ejectment processes had been flying like snow-flakes.

"Mr. Egan said the League could only defend in cases of special hardship, or where they could successfully oppose landlord exaction. If they defended every case it would be ridiculous, and would be putting money into the pockets of the lawyers."

The *Attorney-General.*—Mr. Egan showed his good judgment in that.

Now I go to June 26—the paragraph on the first page of that number beginning "Sunday's land meetings"—(reading)—"Sunday's land meetings were four in number, and took place at Monasterevan, Keadue, Ballyleague, and Shrule. We print a report of the proceedings in another page, from which it will be seen that the agitation is maintained with vigour, and that advanced views as to the settlement of the Irish land question alone find favour with the people. At two of the meetings referred to, the Land League had its representatives amongst the speakers, and at all of them the services it has rendered, and can render to the Irish tenantry, were made the subject of appreciative comment. We should not omit to add that on Sunday once more the outrage was perpetrated of sending Government note-takers amongst the people. In England such action on the part of the Executive—action intended to intimidate the popular leaders and prevent the free expression of opinion—would not be tolerated for an instant. And occurring under the *regime* of a so-called Liberal Ministry it is an exceptionally great atrocity, which might well attract the immediate and earnest attention of the Irish parliamentary party."

There is a report on page 2 of the Keadue meeting which mentions, among other facts, that Mr. M. M. O'Sullivan, the Land League representative, and others were present.

Now July 10, page 12. It is a report of a Land League meeting.

Mr. *M'Laughlin.*—That is the *Freeman* report.

The *Attorney-General.*—July 10th, page 12. Land League meeting, the first of the proceedings. After referring to some people that were evicted, the Rev. Mr. Coyne said—(reading)—"What he proposed to do was to build those people houses. They had kept hold of the land as long as they could, and they were now determined that having lost the grip they would watch it. He had secured a site in such a way that no landlord could interfere with it, and they might rest assured that the farms would remain there growing weeds and thorns for many years, for he was determined to erect the houses in any event.

"On the motion of Mr. Egan, seconded by Mr. Cummings, a sum of £40 was voted Father Coyne."

Mr. *O'Brien.*—There is another portion of the Rev. Mr. Coyne's speech which you did not read.—(Reading)—"The Rev. Mr. Coyne said he had to report a case of five families evicted last May on the estate of Robert Justin Martin, in the county of Galway, because they would not consent to an increase of sixty per cent. in this year of famine. The agent on the property was Mr. Matthew Weld O'Connor."

The *Attorney-General.*—Now I go to July 24th, beginning on the first page with the words—"The meeting of the Land League this week."—(Reading)—"The meeting of the Land League this week has been signalised by a speech by Mr. John Dillon, M.P., who has just returned from the United States. Mr. Dillon gave a most encouraging account of the feeling in America in regard to the present Irish land movement, and said that that feeling would be intensified if an attempt were made to deprive the people of the coming harvest in Ireland. Mr. Dillon added, as the expression of his own opinion, that 'any attempt to levy rent for a year of famine should be met with stern and desperate resistance.' He concluded by saying that the League might expect a steady revenue of £3,000 or £4,000 a year for the purpose of keeping up the warfare against Irish landlordism. In the course of the subsequent discussion, Mr. Dillon's views as to 'holding the harvest' were endorsed by several speakers. Mr. Mitchell Henry's attacks upon the League were for the second time made the subject of severe strictures, and some striking instances of the land war in the west and other places were brought under notice. Lastly, we note with satisfaction Mr. Dillon's promise to rouse Tipperary to active co-operation in the campaign, and we hope that when he does commence operations in his constituency the people of Tipperary will rally to his side."

There is another paragraph, same number and same page, third column—(reading)—"The proceedings in the Landed Estates Court show that the market for landed property is still in a falling condition, few or no sales being effected and in some cases no purchasers at all putting in an appearance. A notable event in that connection took place in Kerry on Saturday. The interest in a farm near Killarney was put up for sale in the Court House. When the tenant against whom a decree for possession for non-payment of rent had been obtained cautioned any one against bidding, as he had tendered the rent to the landlord. The result was that none of the numerous farmers present offered a penny and the sale was adjourned, the tenant being made the object of public congratulations."

Now, at page 4, third column—(reading)—"Mr. Patrick Egan, treasurer, announced that the sums received were £54 odd for the relief fund, and £40 odd for the Land League purposes." Then Mr. Brennan, my lords, made a speech, in which there are a few passages.

Mr. *O'Brien.*—In reference to Mr. Egan, a portion of whose speech has been read by the learned Attorney-General, I would like to read another portion.

The *Attorney-General.*—I read the whole.

Mr. *O'Brien.*—You will see a part left out.

The *Attorney-General.*— I beg your pardon, I hope you will observe the amenities of the Bar.

Mr. *O'Brien* (reading)—"Mr. Egan said he wished to bring under the notice of the League a case of very great hardship near Tuam on the property of the Under Secretary, Mr. Thomas H. Burke. A very respectable man, a small trader and merchant in the town, occupied a piece of cut-away bog on the property. Griffith's valuation was £6 10*s.*, and the rent £31 3*s.* 6*d.*, or 500 per cent. over the valuation. Although able to pay, this man considered the rent excessive, and asked for a reduction, as reductions had been made generally upon that property, and was refused. Mr. Burke got a decree against him for £20, and sold 20 of his sheep under that judgment. He (Mr. Egan) thought that was a case of very great hardship. It showed the disposition of the officials here in Dublin Castle, while their Chief Secretary in Parliament was appealing to the landlords throughout the country to stay their hands, their underlings here in Dublin Castle were putting the law in motion."

The *Attorney-General.*—You may as well read the rest of it.

Mr. *A. M. Sullivan.*—At the end of the meeting.

The *Attorney-General.*—I wish you to read the whole of it.

Mr. *O'Brien* (reading)—"Mr. Donnelly interposed and said—And these were the people who were advising the Chief Secretary in Parliament."

"Mr. Egan said the landlords were now watching the harvest, and he thought it was not too soon that the League should warn the people to save the harvest and keep it in the country. If the landlords carried out their intention of selling the harvest, no matter how good the harvest might be next year, the condition of the people would be worse than it was at present. He thought that question ought to receive the immediate attention of the League." That is all Mr. Egan said.

Mr. *A. M. Sullivan.*—At the close of the report it states that relief grants amounting to £675 were then made.

The *Attorney-General.*—I now come to the 31st July, on the first page, column two—(reading)—"The land meetings continue. Two were held on Sunday, one at Keash in Sligo, and the other at Miltown in Galway. Each was largely attended, and the Government were as usual represented, by police, by detective reporters, and by magistrates. The customary features at such demonstrations were reproduced, but in addition the advice to hold the harvest was earnestly and emphatically promulgated. We may add that at Keash, one of the chief speakers observed that the people had been betrayed by their landlord representative in Parliament."

Do you wish to have the rest read?

Mr. *O'Brien.*—No.

The *Attorney-General.*—Now, on page 7 of same number—(reading)—"The progress of the land agitation was marked on Sunday last by four meetings, brief reports of which we publish in another column. One of these meetings took place near Slievenamon, one at Frenchpark (Roscommon), one at Millstreet (county Cork), and one at Aughavas, in Leitrim. Each was largely attended by the farmers of the respective localities. At Slievenamon and Millstreet some well-known and pa-

triotic clergymen were amongst the speakers, and at all the meetings but one the Land League was represented."

Do you wish me to read the rest of it?

Mr. *O'Brien.*—No, I think not.

The *Attorney-General.*—September 4th.

Mr. *Goodman.*—That finishes that series. Do you wish to keep them separate?

The *Attorney-General.*—Perhaps it is as well.

Turn to September 4th, page 11, you will find the balance of the address to the Irish farmers and the verses "Hold the Harvest."

September 18th is the next; first page.

Mr. Justice FITZGERALD.—What do you read from this now?

The *Attorney-General.*—Your lordship will see the paragraph in the first column, commencing—"The land war in its more practical aspect"—(reading)—"The land war in its more practical aspect is proceeding apace. The landlords are evicting steadily in various parts of the country, and when the wretched victims take refuge in the outhouses of their farms, or retake possession, the magistrates are appealed to, of course with success, to inflict the legal punishment of fine and imprisonment for such offences. On the other hand, the people are reinstating forcibly in many places evicted tenants. Auctions held for the sale of tenants' effects are frustrated by a general agreement amongst the people not to bid, and process-servers are meeting with such obstacles in the discharge of their duty that application is now frequently made to the court to allow the service of writs by post. Cases in point will be found recorded in our news columns. The scene at Ballintaffy, at the reaping and gathering in of "The Land League oats," deserves particular mention, as an instance of the triumph of the policy of organization and combination amongst the tenants, and as an eulogy on the devotion of an Irish priest to the public weal. We regret to have to add that some indefensible outrages are also perpetrated."

Now, September 25th, 1st page again, 3rd paragraph in the first column—(reading)—"Land meetings of more or less importance were also held on Sunday, at Cahir, at Bandon, at Kilconly, in Galway, Coolevotha, in Cork, at Riversville, near Loughrea, and at Proughlish, in Leitrim. The proceedings at each of those gatherings was marked by one or more notable incidents, but the successful negotiations at Coolevotha with a farmer who had taken a holding from which another man had been evicted, and the steps taken at Riversville to punish another man who had done a similar deed, stand out in exceptional prominence. For the rest, speeches of interest were delivered at one or other of the various places mentioned by the Rev. Father Ryan, P.P., New Inn; Mr. Boyton, Mr. M. M. O'Sullivan, and Mr. J. W. Walsh. And so the agitation goes vigorously on."

Now, page 13. The Land League meeting of that number—Mr. Sexton in the chair—present Messrs. Egan, Brennan, Walsh, and others—(reading)—"Mr. Brennan said he had just received the following cheering telegram:—

"'General W. S. Rosencrans, chairman, San Francisco.—September 11th, 1880.—To Land League, Dublin.—One hundred thousand people welcome Michael Davitt. Hold the harvest. No surrender to landlord tyranny.'

"Mr. Brennan said a man named William Burke, who had been evicted near Castlebar, and had been in prison once, and his wife three times, for retaking possession, had been assisted to

go to England to work at the harvest there, but his wife had just received intelligence that he had been drowned. £10 was voted to the widow.

"Mr. Brennan said Mr. Persse of Roxborough had evicted a man named Michael Fallon, Ballindreen, county Galway. The tenant had gone into the workhouse, but some people returning from the Woodville land meeting had smashed open the house and reinstated the tenant. £5 was voted to Fallon."

"The Rev. Mr. Hall wrote that a man named James Price, an evicted tenant, had been sentenced to fourteen days' imprisonment by the Crossmolina magistrates for retaking possession of his house, from which his landlord, Mr. Coyne, evicted him last June. He was once prosperous and well-to-do, and was always hardworking and thrifty. £5 was voted."

"Mr. Egan brought forward the case of John Gannon who had been evicted by Mr. Fitzherbert from his farm near Navan. The farm consisted of 18½ acres, the rent of which was £65 10*s*. Four years ago, on the death of his father-in-law, Gannon came into possession. The landlord cut off five acres and planted it, still charging the old rent. Refusing finally to pay this rent, Gannon was evicted last March, for a year and a half's rent. The landlord kept the tenant in negotiation until the six months for redemption had expired, and now he would do nothing except pay his and his wife's passage to America and give them £10. The tenant had expended between £250 and £300 on the farm. Gannon was called in, and stated his case. The chairman said the case was one of extreme hardship, and more than that—of duplicity on the part of the landlord. Mr. Egan was sorry to say the shopkeepers in Navan were found mean enough to buy this man's meadows when they were auctioned——"

Mr. *A. M. Sullivan.*—Before you part from that, I want to read.—"Mr. Egan understood there was an eviction on the property of Lord Gormanstown. In 1874 the rents had been raised from 25 to 30 per cent., and the result was the poor man was driven out of his farm. He thought it would be well if the League turned their attention to Lord Gormanstown's property. He understood in his leases with his tenants there was inserted a penalty of £500 for claiming compensation for improvements."

The *Attorney-General.*—What is next?

Sergeant *Heron.*—The 2nd October.

The *Attorney-General.*—Page 9—"Lays of the Land League"—"Our Vow." I will only read one passage—the 3rd verse:—

> No, we shall leave untilled, unsown,
> The lands, however fair,
> From which an honest man was thrown
> Upon the roadside bare;
> As if a curse was on the spot
> That saw such hateful deeds,
> We'll leave the empty house to rot,
> The fields to choke with weeds.
>
> These are the things that shall be done,
> So swears our banded host—
> In the name of the Father, and of the Son,
> And of the Holy Ghost.

That has the signature of T. D. S.

Mr. *Sullivan.*—Would you read the second verse?

The *Attorney-General.*—Read the whole of it if you like.

Mr. *A. M. Sullivan.*

We promised all the cruel rent
  Our landlords could demand;
Still up, and up, our biddings went
  For every patch of land.
Man after man the burden crushed,
  And then to our disgrace,
Forth from the crowd his neighbour rushed
  To scramble for his place.

The *Attorney-General.*—Now, on the 9th October, page 4, and in the first column, there is published a short report of the demonstration at Barntown—"A meeting was held in Barntown on Sunday for the purpose of inaugurating a branch of the Land League. There were between 5,000 and 6,000 persons present, There were several flags and banners. On the platform was an elderly lady dressed in green carrying a banner on which was "Parnell for ever." Opposite to the speakers, on a pole, was the effigy of a man with a pair of boot-lasts hung round his neck. This was intended to represent a man who had purchased some land lately from which the former tenant had been ejected. At the close of the meeting the effigy was shot and then set fire to." Again, October 16, page 1, at the foot of the first column—"The work of socially excommunicating persons who take evicted farms is being carried on with great thoroughness and success in various parts of the country. Thus in Limerick, a few days ago, a farmer who had sinned in the way referred to offered for sale in the market some butter and oats, but both merchants and brokers refused to transact any business with him. The consequence was that he had to bring his produce home, and on leaving the market he was groaned and hooted by a large crowd of farmers. We believe it is the same farmer who went to buy some bacon in Limerick, and, when he told his name, failed to induce the bacon merchants to sell him anything whatever. In Clare, again, a farmer has been made, for the same causes, such an outcast among his neighbours, they refusing to hold any intercourse with him, or sell him the necessaries of life, and even going so far as to keep him out of the parish chapel on Sundays, that he has found his new position intolerable, and surrendered to the landlord the banned farm on which he cast his eyes in an unhappy moment. Comment is needless." Then, my lord, I read the Archbishop of Dublin's pastoral at page 6, column 4—I will not stop to read it now, I referred to it before. Now, on the 23rd October, page 4, there is a report of the National Land League Meeting—"Yesterday, at three o'clock, the usual weekly meeting of the Irish National Land League was held in the rooms, Middle Abbey-street. Mr. Charles S. Parnell, M.P., presiding. Others present—Messrs. Joseph Biggar, M.P.; Thomas Sexton, M.P.; J. O'Kelly, M.P.; Mr. P. Boyton; Thomas Brennan; Patrick Egan, Harris, and others. Mr. M. M. O'Sullivan, secretary, read the minutes of last meeting, which were confirmed." Mr. Egan, treasurer, read something else. Then you will find in the next page, that £10 were voted to a man evicted at Dunmanway, and inquiry ordered into his case, to see if an action could be taken against the landlord for assault. £10 were also voted to some tenants of Archdeacon Bland. The tenants had retaken possession. Grants of from £5 to £15 were made in other cases. The case of a tenant evicted from Lord Kenmare's estate was brought under notice. It was stated that his house had been burned down. A similar case was mentioned by Mr. T. D. Sullivan where the valuation was £1 and the rent £10. Mr. Brennan

read a letter from Mr. Edward M. Bennett, Ballycar, county Clare, stating that at a meeting of the county Clare branch of the National Land League, held in Ennis on Thursday, he proposed a resolution calling on the tenantry of the county to pay rent only on Griffith's valuation of their holdings. At the request of the chairman (Rev. M. J. Kenny, P.P.) and the Rev. M. Ryan, C.C., he consented to an adjournment of the motion until Wednesday, and he suggested that the League in Dublin should pass a resolution on the subject. Mr. Parnell said he thought the question of how much the tenants could afford to pay should be left to the local branches; it would depend so much on the circumstances of each case; that would give the local branches a good field for work. Whatever decision the local branches came to in reference to the amount of rent to be offered, he thought it would be the duty of the Central League to support. Mr. Kettle thought it would greatly depend upon the amount of organization in the locality and the stuff the people were made of. If they were determined to insist upon their rights it was judicious to leave them to themselves. Mr. Boyton then stated that Mr. Adair's tenantry at Mountmellick were about to go in a body on the rent-day in a few weeks and make a stand with regard to their rents. Mr. Egan said there was an application about the establishment of a branch at Mountmellick. Mr. Parnell—I think it very desirable that a branch should be established there before Mr. Adair's rent-day. Mr. Brennan stated that at the land meeting held in Westport on Sunday a man who had taken a farm from which another had been evicted came forward and publicly surrendered it. Mr. Parnell—That's the way to settle the land question. Then it is further stated that applications for deputations from the League to land meetings next Sunday at Drogheda, Gorey, and Clonmel were then made.

Mr. *Walker*.—I wish to read a passage. It is part of the speech of which you have read the tail.

The *Attorney-General*.—Whose speech is it?

Mr. *Walker*.—Mr. Brennan's.—"One was the case of a man named Flynn, who had been evicted from his farm on Mr. Edgar's property for refusing to pay an exorbitant rent. Mr. Edgar, who resided at Sandymount, had purchased the property in the Landed Estates Court. The rents then amounted to £45 per annum, and Mr. Edgar's first act was to demand from the tenants £80 a year. The Judge considered the rent exorbitant, and allowed the full amount payable under the Act—seven years—£62 10*s*. and costs. The other was the case of a man named Jennings, whose landlord was Mr. Ormsby. A point brought out on cross-examination in that case was that he was actually fined, and had to pay £3 for getting married without the consent of the agent. It also appeared that the tenants had to work duty days at a fixed wage. The judge considered the rent exorbitant in this case also, and allowed seven years' rent compensation for disturbance, and £8 for improvements." Now about Mr. Adair's right of eviction, Mr. Boyton stated that there were four evictions reported on the property of Mr. John George Adair at Derryvea, county Donegal. He spoke very strongly of Mr. Adair's character as a landlord. He had cleared 1,200 people out of Donegal.

Mr. *A. M. Sullivan*.—In the chairman's speech there is a passage I wish to read—"In fact it is an economical necessity that something should be done to a great deal of this land. I am not now speaking of the really fattening lands so much as of the lighter grazing lands which were cleared at the time of the famine, and which are fast becoming unproductive owing to their having been laid down too long in

grass. They had been enriched by the small occupiers who lived on them previous to the famine, and were manured and cultivated, and were in very good heart when the landlords took an advantage of the pressure of 1847 to effect those extensive clearances. They were then laid down in grass, and they have remained in grass ever since. The result has been, according to the *Gardener's Chronicle*, that they are becoming year after year more unproductive; the quality of the grass is becoming worse, and the yield of the butter per acre, and of fat cattle per acre, less and less. It is absolutely necessary that something should be done to these lands—perhaps four or five millions of acres in extent—in order to render them productive and a source of wealth to the nation at large."

The *Attorney-General.*—The last I shall read is a passage on the 30th October, page 1, and the second column.—"The Land League is spreading through the whole country. The formation of about half a dozen new branches is announced every day, and at the starting of every branch money is subscribed in liberal sums by the farmers present, for the purposes of the organization. Thus a sum of £50 was handed in on Saturday last, at the last meeting of the Drogheda branch. That Ulster is falling into line in this matter with other provinces is plain, not only from the important meeting held last week in Bailieborough—which, after all, has always been a patriotic district—but from one meeting at Buncrana, at which Mr. Dillon was most enthusiastically received, and from the fact that the preliminary steps have been taken towards establishing leagues in such places as Dungannon and Downpatrick. All which is most cheering."

Sub-Constable MICHAEL CHRISTOPHER sworn, and examined by Mr. *Ross.*

You are a sub-constable of the Royal Irish Constabulary?—I am.

You write shorthand?—I do.

Do you know the traversers here?—I do, sir.

You attended a good many meetings at which they spoke?—I did, sir.

Would you turn to the report you have of the Knockcroghery meeting, in the Co. Roscommon, on the 16th May. What was the date of that Knockcroghery?—16th May.

Did you observe any inscriptions at that meeting?—I did, sir.

Be good enough to state what you saw?—I saw on one flag "God save Ireland," on another "Down with the Tyrants," on another "Down with the Land Sharks," and on another "The Land for the People"; and on the front of the platform, on canvass, I saw "God save Ireland," and "Welcome."

Did you see the first three you mentioned in the street?—I did.

Turn to page 4. Did you hear Mr. Harris speak to a resolution?—Yes.

Have you compared that print with your original shorthand notes?—Yes.

Does that correctly represent your shorthand notes?—Yes.

What is down in your shorthand notes?—It does.

Now read Mr. Harris's speech—begin at the commencement of it?—(*Witness* reads)—"Mr. Chairman and fellow-countrymen, I (as your chairman has told you) have been sent here by the Land League to represent them here to-day, and I may tell you that they will emancipate the farmers of Ireland (cheers). I am proud to see such a large

assembly here to-day, because I believe that the success of this great movement depends upon popular support (cheers). I believe that it is the people themselves that have to do the working, and not their representatives in Parliament or out of Parliament. I will tell you further, gentlemen, that we have not as yet arrived at that point when we will be able to achieve a great measure of land reform. I believe that we have a long distance yet, when we can bring the enemies of our country to our feet. I believe that this agitation will have to approach the point which the tithe agitation arrived at. I tell you that it will have to come to this, that the tenant farmers of Ireland will have to recognise their right to the country. I tell you it will come to this, that the tenant farmers of Ireland, when it comes to that point, then it will be our duty to say to the landlords, Gentlemen, we have been paying you rent for a long time now, we have submitted to oppression, we have seen our people driven to foreign lands, we have seen our young children sent to the four winds of heaven; we have seen all these things done by you, you who own this fair island, and we have borne it now, but will bear it no longer (cheers). We are all united in one grand brotherhood now, and we say to you, go away, we will have you no longer (cheers)."

That will do. Now go to the next page of his speech, page 5, at line 37, and read there—begin with "Therefore"?—(*Witness* reads)—"Therefore I ask you further, that along with uniting together, you should unite in opposition against any man who will take any poor man's land. Well, gentlemen, the Land League, they are at present a public body, with Mr. Parnell at its head (cheers.) If you were cheering until this day week you could not give enough cheers for him; you have a public body that for the first time is true to the people, for it has shown its truth to the people. Show that devotion and energy" (There are some words out here.) "if you do not do this, do not be blaming the landlords, or do not be blaming the Land League, but blame yourselves. And we are here to-day for one of the purposes, and that is for forming branches of the Land League, one of which will be here. At the elections we have shown the enemies of Ireland that as this great country was true in the past, so she is true in the present, for friends and enemies were watching us through the late election (cheers)."

That will do.

Mr. *M'Laughlin*.—That's not the whole of the speech, of course. I want you to read a few sentences for me. Do you see line 36 on the 4th page, "Without union, when each man"?—(*Witness* reads)—"Without union, when each man is willing to contribute to the general good, I am an Irishman as well as my neighbour; until this is done you will never get anything. Because, if each man says, 'I will look to myself, I will mind my family; I will go to mass and say my prayers and my religious duties.' Now this is very good in its way, but he has another very high and noble duty, and it is to look around him and see where suffering and misery prevails, and if he be a good man he is bound to come forward and lend his aid in redressing his wrongs. Now I will allude to the state of Connaught a few years ago. At that time this great province was in the hands of a few families. In the county Galway Lord Clanricarde often said that he could put in his gray mare for the county Galway. In the county Sligo it is exactly the same way, and in the county Leitrim, which unfortunately."—(There are some words out here.)—"In Roscommon and Mayo they could do as they liked."

You know shorthand?—Yes.

Well, what is the meaning of that paragraph? Isn't it a lot of broken sentences strung together? Listen,—"Without union, when each man is willing to contribute to the general good, I am an Irishman as well as my neighbour; until this is done you will never get anything. Because if each man says, 'I will look to myself, I will look to my family; I will go to mass and say my prayers and my religious duties.'" Now, I ask you, as an expert, isn't that a lot of broken-up sentences?—No answer.

Now, had you failed to gather the whole of what was said?—Yes.

How often did that happen when you were reporting that man's speech?—I could not say.

A couple of dozen of times?—No, sir, it did not.

Eh?—No, sir.

Read, if you please, at line 37 on the 5th page—there is a short extract there—commence, "Therefore I ask you further."

Mr. Justice FITZGERALD.—That was read before.

Mr. *M'Laughlin.*—I beg your pardon, my lord, I was looking at the wrong side of the margin. Your lordship is quite right. I have the read passages marked on one side, and I was accidentally looking at the other margin. (To witness)—Do you know a gentleman called Nally?—I do.

What is his other name?—John William.

Familiarly known as something else?—"Scrab."

What does that mean?—I don't know.

Did you see him there at all? Did he make a speech?—No, sir, I have not his name on my notes.

Very well; but you have often seen him?—Yes.

And he used to go often to the meetings with the police, and get them cars?—I never knew that he got them cars.

But he was very hospitable?—He was very kind.

And so were the police—and it is a wet country down there—you know what I mean?—Sometimes.

Now, was there a gentleman called Hickey made a speech?—Yes.

He seconded a motion that was made there?—He did.

Now, might I ask you to give us your version of the resolution proposed by Mr. George Fallon, of Roscommon. If you havn't it, I will read it, and ask you if it is right—it is a resolution, and seems to be a sensible thing. That's why I ask you to read it?—*Witness.*—I have it here—(reads)—"That we, the tenant farmers of this district, endorse the programme of Land Reform adopted at the Land Conference held in Dublin, which proposes a final settlement on the basis of a peasant proprietary, and as a security for the tenant in the meantime, the immediate passage through Parliament of a Bill suspending for a period of two years ejectments from all holdings valued at and under £20, and for a similar period in the case of any holding whatsoever the right of recovering a rent higher than the Poor Law valuation."

That was seconded by Mr. Edward Hickey?—It was.

Have you a report of his speech there?—Yes.

Now read the first two or three sentences of it. I have not the print before me here—I am looking at a newspaper report?—(*Witness* reads)—"Fellow countrymen, the resolution which has been so ably proposed by Mr. Fallon, deals in a most comprehensive manner with the land question. The laws are laid down for us, beyond controversy, by the great statesmen of the past, to confer . . . . . Unfortunately in this country that object seems to be completely ignored. There is no more glaring anomaly than Irish landlordism, except it be the fact that

the Government are in favour of it. But the Irishman was so used to be badly treated that he hardly expected fair play; but I say that on peasant proprietary, and nothing else, lies the salvation of this country (hear, hear). You want to be your own landlords, you have now a greater power in your hands than you ever had before; at the last election you showed your power, and those who despised you had to dance, as the Yankees say, into obscurity."

Very well—as you are getting into American language, I won't ask you to read any further.

Mr. *Ross*.—Now go to Cardenstown meeting, held on 23rd May, 1880.

Which of the traversers were at that meeting?—Thomas Brennan.

Any others?—Mr. Boyton.

Now, did Michael Costello, of Edenderry, move a resolution?—He did, sir.

Read it at page 3, near the top?—(*Witness* reads)—"Resolved: 'That we protest, in the name of justice, against the recent eviction that has taken place at Cardenstown, and we pledge ourselves not to take that or any other farm from which a tenant may be evicted, or which might have been surrendered because of inability to pay an unjust rent.'"

Now come to Thomas Brennan's speech. First, will you read the passage beginning at line 31 in Michael Costello's speech, page 3. Begin "I will not insult you"?—(*Witness* reads)—"I know there is no man here who would buy one pound of hay that would grow upon it; but if there be any such I would advise you to shun him if you meet him. I will now say that no man with a spark of humanity in his breast would take advantage of the tenants over which he has no control."

That will do. Now come to Mr. Brennan's speech, page 5, and read it all?—(*Witness* reads)—"Rev. Chairman and fellow countrymen, before the resolution is put to you I must say a few words in support of it. This, I believe, is the first land meeting that has been held in the county Meath since the formation of the Irish National Land League. And I trust it is but the commencement of a healthy and vigorous agitation of your social rights, and that Meath, whose name is associated with so many historic revelations, the Meath of Lucas, and the Meath of Charles S. Parnell (cheers), will take its place with the other counties who are nobly fighting on behalf of the tillers of the soil (cheers), If you do not suffer so much from the effects of Irish landlordism as some of the counties behind the Shannon, it is not due to the benevolence of your landlords, but it is owing to the fact that the majority of your people have been swept from off your fertile plains. The valleys whose echoes gave back the sounds of merry laughter are now only disturbed by my lord's cattle, as they are fattened for the English markets (cheers). Look at your present position. Look at the prospect which you have before you. You are working from morning till night, from year to year, to supply the idler with the unjust tax which he levies on your labour, and when you are unable any longer to supply him with that tax he turns you out. Look at the position which your country occupies amongst the nations to-day. Look at the charity-box going round, and if you have any national pride you must blush for shame (cheers)."

"I am not in the habit of claiming virtues for the Irish. We have virtues, thank God, but we have faults too; and it should be our first duty to correct those faults. No doubt you will be told that these are very revolutionary ideas, and, as our reverend chairman said, we may be accused of preaching Communism from this platform. Well, I do not know whether I am preaching Communism or not, but if it be Communism to say that the earth was made by God for the people, and that

the people have as much right to the earth as the free air of heaven, then I am a Communist, and I glory in it (cheers). We had a good deal lately about giving to Cæsar that which belongs to Cæsar. Most readily and heartily do we accept that doctrine; but if Cæsar is to get his due, what compensation are Irish landlords to give you? Unfortunately they cannot restore some of the things of which they have robbed you. They cannot restore the many happy homes in the land. They cannot restore the two millions of your people whom they murdered in '47; and this is the institution and these are the men that some land reformers told us that we should make a fixity in the country. France, when she was getting shut of her landlords, did not give them twenty years' compensation. No; she gave them twenty feet of a rope (cheers). We are the followers of Stein; we want to accomplish a peaceful revolution. Now, you will ask me how is that peaceful revolution to be accomplished; first, by showing what your rights are, and then continuing a manly determined organization for the assertion of them (cheers). I well remember, twelve months ago, when the cry of 'the land for the people' was first raised in the county Mayo (cheers). How the people themselves first tried it, the breath left their mouths. But, with the knowledge of their rights and with a leader there was consternation in the camp of the enemy, and the cry was, 'What, had the end of the world come, that the men, who a few months ago came to them with hats in hand, now refused to pay them their rent.' Yes, they appeared before the landlords, and with a knowledge of their rights; and at last they seized landlordism by the throat in order to crush it (cheers). You will have to assume the same bold attitude; you will have to speak out in the same way you did before. You must give up putting your hand to your hat for every lump of clay you may meet; you must give up calling the landlord or his agent, your honor. (Voices, 'We will.') You must go and strike against rent until this question is settled; you must refuse to pay a rack-rent. Rent means the profit that remains after you have satisfied every other claim for the working of your holdings, after you have paid the merchant and the labourer, after you have paid yourselves the support of your families, then see that your children are clothed, and after that, if anything remains, give it to them (cheers). And if he refuses, then put it in your pocket until he comes respectfully to you and asks for it. You must organize—you will not have discharged your duty when you return to your homes this evening unless you go back organized. The tramp of determined men is well calculated to disturb the repose of tyrants; but you must be organized and determined; form a branch of the Land League in every part of the country. I said somewhere before that wherever there is a police barracks there should also be a branch of the Land League (cheers), and then the tenants should have the protection of their just rights (cheers). We are now ready to assert our rights against landlords, and that system must be fought out. The place of all others where it must be fought out is in Ireland. I have very little faith in the House of Commons redressing your wrongs. You have to-day raised the cry of the land for the people, that cry is already widespread in the north, and it found an echo in the plains of the south (great cheering, during which the speaker concluded)."

Did Mr. Brennan make a second speech at that meeting. Go to page 11 of the report?—Yes, sir.

Will you read at line 6, beginning "I will, before concluding"?—(*Witness* reads)—"I will, before concluding, ask you to allow me to say a few words. If there is any county in Ireland that should rise against

landlordism, it is Meath. During the last thirty years half its population, or 90,000 human beings, has been sacrificed by Irish landlordism. An eviction has taken place, and you have pledged yourselves here to-day that no person shall take that farm ; and if there be any such wretch found, he must be branded as an enemy of humanity."

Did Mr. Kettle, of Dublin, make a speech at that meeting—go back to page 8?—Yes, he did.

Will you read from line 14, beginning "Let no man"?—(*Witness* reads)—"Let no man borrow a shilling to pay rent, for I tell you, you are not able to make it. Borrow no money, but join hands and make up some means to see that the land that is taken from a man like that that no man shall take possession of it. Let no man hold conference with him (cheers)."

Mr. Justice BARRY.—Where are you reading?

Mr. *Ross*.—Line 14. (To witness)—Will you go to line 27, and read from "be prepared"?

Mr. Justice BARRY.—What passage did you read this of Mr. Kettle's from?

Mr. *Ross*.—He read, beginning at line 14, "Let no man," and ended at line 18, "let no man hold conference with him."

Mr. Justice BARRY.—I see.

Mr. *Ross* (to witness).—Read from line 27, "Be prepared"?—(*Witness* reads)—"Be prepared to unite to pull down that accursed institution of landlordism ; that institution that is starving you (cheers). Take down landlordism first, and then you are in a position to agitate for the Government of this country (cheers)."

Did the traverser, Mr. Michael P. Boyton, make a speech at that meeting?—He did.

Begin at the commencement of his speech, and read it on?—(*Witness* reads)—"Men of Ireland, and I think that takes in King's and Meath, I have been honoured with an invitation to be present at this assembly here to-day. I came here not to speak, as you have already heard, but I came here to assert a few facts, and one of them is that I wish you to remember that the fight that you are fighting here to-day is not a fight of Irish nationality. It seems to me that gentlemen who have told you here to-day the merits of the case would have better perhaps have left the fact that landlordism has been a curse to yourselves, for you don't want any man to tell you that. We Nationalists of Ireland try to redress your wrongs, and I trust in God that before long the landlords will be becoming members of the Irish National Land League. You are freemen, and yet you are afraid to stand up and assert your rights ; you are British subjects, and one of the rights is the right to assemble here for the redressing of grievances. I say that you are not permitted to assemble while they are sending the strong right arm of force here (meaning the police). I have attended meetings in England, in Scotland, and in Ireland, and I never yet saw the strong right arm of force used until you struck at the root of the question of landlordism (cheers). Well to-day your duty is towards your country and your families, and if there be a just God in Heaven He will see you righted. I believe that the justice of God is fast if we have a little of our patience, and I believe that the settlement of this great question will take place soon. Until you learn that you can go and claim this and that measure you will never be men. Learn the means to redress your grievances. Stand together, and show it ; and then if you fail, the enemies of your race and creed cannot point the finger of scorn against you, and say amongst yourselves, 'You did it' (cheers).

So until you learn self-reliance and self-confidence you will never succeed, for you will never deserve it. Now you have heard a lesson here to-day that you should carry to your homes. We are engaged in building up our native land to a nation. We have begun where all other land reformers have left off, and until you give us the confidence we cannot succeed. 'He who builds up a house without the blessing of God he labours in vain' (cheers). That house shall be the nationality of Ireland. We want the ground to work upon, and will have nationality and Home Rule. First hold up your head, and then ask for what you are able to get (cheers); for Ireland is worth all the trouble we are getting."

That will do.

Cross-examined by Mr. *Dillon.*

I would ask you to read the remainder of Mr. Boyton's speech.

The *Attorney-General.*—Very good.

Mr. *Dillon.*—Finish his speech?—(*Witness* reads)—"Every person who stands erect here to-day will scorn the foul imputations that have been made against us; but they came from our enemies. To say that we who wish to root you on the soil are about to separate the priests from the people is calumny (voices: 'Nothing of the kind'), There is only one answer to it, and I trust that that answer will be found on every one of your lips, and that is—it is a lie. It is a lie, for we could not separate the priests of Ireland from the people of Ireland. But to-day, thank God, we have the bishops and priests of Ireland with us. I stand here in Meath, where the bishop put forward my chief and leader, and told him, 'go on, we have faith in you.' If our cause be just it will go on; if it be wrong it will go down. I believe the cause of Ireland is a good cause. I thank you for the very kind and patient manner in which you have listened to me. It may be before this agitation is over I may meet some of ye again (cheers)."

Who was in that chair at the meeting?—The Rev. Mr. Hogan.

About how many priests were there on the platform?—There were a few.

Were there seven or eight on the platform?—I don't know.

Do you know that there were Town Commissioners and Poor Law Guardians on the platform?—I could not say.

Cross-examined by Mr. *Adams.*

Look at the speech of Mr. Michael Costello, and read a short passage from it, page 3, line 9—"He then proceeded to say"?—(*Witness* reads)—"He then proceeded to say:—Now, it is expected that I shall give you a statement of the true cause that has brought us here to-day, but I think I could not do better than read you a letter I have received from a tenant of the name of James Killeen. (He then read the letter, which was to the effect that the sheriff came to Killeen's house and evicted himself, his wife, and nine children, and put them out on the side of the road. The letter then gave a brief outline of how the farm was held. The old lease expired in 1874, the rent being then £64 per year. The landlord then demanded £36 per year of a rise. I offered him £15, which he refused to take. I had to submit. I paid the rent until all wasted away. I had to sell all my cattle by auction last November to meet the bills I raised to pay the rent.) Hitherto I have refrained from taking any part in the land agitation, for this reason: that I have come from a neighbourhood where we have good agents, and where evictions are unheard of. But is it right on that

account that we from the neighbourhood of Edenderry should withhold our sympathy from the poor tenants who are not as well off as we are? I say not. It would be base selfishness on our part, and I came here to-day to protest in the name of justice against the eviction that has taken place in Cardonstown. As the house that was built up by James Killeen's father, and where he first saw the light of day, the happy home where his young children used to play, that now no longer is his home; he has been driven from it, and it is now occupied by a force of constabulary protecting Egan, who has offered his services unasked to take this house (groans). I say I will not insult you by saying to you, 'Do not take that farm. I know there is no more here'"——

Mr. Justice FITZGERALD.—He read that before.

Mr. *Adams*.—Now turn to Mr. Thomas Brennan's speech, page 5, line 4.

Mr. Justice FITZGERALD.—The whole of Mr. Brennan's speech was read.

Mr. *Adams*.—That passage was not.

Mr. Justice BARRY.—Every word of it.

Mr. *Adams* (to witness).—Turn to Mr. Kettle's speech, line 19, page 8—"You will force the present English Government"?—(*Witness* reads)—"You will force the present English Government to settle this question. My friends, Mr. Forster says that they will not be able to deal with this question this session; they want to see you take up a determined attitude in the meantime, and that it will be necessary to bring in a radical measure. Depend upon it you will see a full and complete settlement of this question if you meet them face to face in a constitutional resistance. It all depends upon yourselves; do not think it all belongs to the members of the National Land League; it belongs to the tenant-farmers and the people."

You see Mr. Brennan's speech at line 41, "We are the followers of Stein, and want to accomplish a peaceful revolution"?—Yes, sir.

Did you ever hear of Stein before that day?—I did.

Who was he?—He was a celebrity in France.

Are you sure of that?—I think so.

Where did you discover the spelling of Stein—did you take that down in shorthand?—I did.

Will you just produce your notebook, please?—I think it is in shorthand.

Look at your book. What symbols did you take down in shorthand?—The circle S—stn—and then vocalized "stein."

When did you vocalize it?—I could not say it was not vocalized at the time, but if not I vocalized it afterwards when I was transcribing it.

Which do you think?—I could not say.

Did you vocalize it from the newspaper?—No.

Did you look at the newspaper report of that meeting before you wrote out your notes?—I think so.

The *Freeman* report?—I think so.

And you saw how Stein was spelled? Let me see your note for one moment? (note book handed to counsel). What kind of a day was this meeting held on, do you remember? Was it a fine day?—I could not remember.

Was it falling wet during the whole day?—I don't think so, because my note book would not be so dry.

That is as I thought. Would you be surprised to hear it was raining from the morning of the meeting until the end?—I would.

Very much?—Yes.

Is there a single rain blister on the whole of your note-book (note-book returned to witness)?—I'll look. No, not one.

If, as a matter of fact, it was raining from beginning to end of the meeting——

Mr. Justice FITZGERALD.—I understand what you are suggesting here is that the book in the witness's hand is concocted.

Mr. *Adams.*—I am suggesting nothing.

Mr. Justice FITZGERALD.—I want to see the relevancy of the question. If you suggest that that book was concocted or in any way altered I will not interpose, but otherwise I don't see the advantage of pursuing this further. I don't know what your suggestion is.

Mr. *Adams.*—I am instructed that the day of the meeting was wet from beginning to end, and I am asking was there a single rain blister in the book.

Mr. Justice FITZGERALD.—And the only meaning of that can be is that the book is concocted.

Mr. *Adams.*—I had to suggest that with regard to a previous witness.

Mr. *P. O'Brien.*—The first witness.

Mr. *Adams.*—The first witness, whose shorthand was written on beautiful lined notes. (To witness)—There is not a rain blister on your book. I don't see any.

Cross-examined by Mr. *O'Brien.*

You gave me, in a broken way, a letter that was received then from a tenant named James Killen?—Yes.

You have it in a broken way?—Yes.

Was this the letter—(the secretary read as follows) :—" On the 23rd inst. the Sheriff came, and left myself and wife and nine children on the road. Were it not for my neighbours I might sleep out. Now sir, I want to give you a brief account of how my landlord has treated me. This farm was held by my forefathers for generations. The old lease expired April, '74 the rent then being £64 a year and the landlord came on and demanded £36 in the year's rent of a rise, or possession of the land. I offered him £15 of a rise, the full value of the land, which he refused to take, and he then served me with an ejectment which I took defence against, and after losing £46 with law costs he forced me to comply with his terms—take a lease of thirty-five years at £100 a year. I paid the rent punctually until all I had wasted away. I then wrote to the landlord for permission to sell my interest in the farm, to which he consented and I put it up by public auction but could not get one shilling for it on account of the rack-rent. I would have sold it if he had given a reduction of 25 per cent. but he refused to do so. My father built a house and offices at a cost of about £430, and he ditched, sewered, and reclaimed land at a cost of about £200; and I paid the rent punctually up to last May when I got sunk in debt, and I then sold all my crops and stock by public auction last November to meet bills I raised in banks to pay the exorbitant rent he forced on me." Is that a correct description of the letter?—I could not say it is correct: I have the substance of the letter here.

Cross-examined by Mr. *Curran.*

You say the Rev. Mr. Hogan was in the chair?—Yes.

His name was Fagan—however, that doesn't matter; turn to his address, and go down to the passage, " We have not come here to-day to

abuse others"?—(*Witness* reads)—"We have not come here to-day to abuse others; we have not come here to preach Communism, but we have come here, priests and people united together in one sacred bond, to express our sympathy with the poor distressed farmers of this district. We are here to-day to create a public sentiment that will crush for ever one of the most accursed systems—landlordism. I speak here from experience. I declare, without fear of contradiction, that nowhere in my part of Ireland are there to be found a class of landlords who have treated their tenants so badly as in this district; but there are two exceptions, the Marquis of Lansdowne and Mr. Dames, of Greenhill. Their tenantry speak of them in the most affectionate terms. The rest have no sympathy with their tenants, save in exacting their rents. As I have said before, I speak from experience, I will give you two instances that have lately fallen under my observations. The father of a large family came to me and said, 'My landlord has thought it fit and proper, because I allowed a few days to pass by, not to receive my rent, and he has put upon me a lot of legal expenses.' I told that man to—'go back,' said I, 'and tell your landlord that he has a right to accept your rent.' He again refused the rent unless the man paid the legal expenses; and I told him, moreover, to say that the priest said he should. And his answer was that the priest should mind his own business. But my answer to-day is, that at the time I gave that advice I was minding my own business (cheers). And to-day I declare I am here minding my own business, standing by the people, sympathising with them in their sorrows and in their distress (cheers)."

That will do.

Re-examined by Mr. *Ross*.

Take up your note-book of that meeting?—Yes.

Mr. Justice FITZGERALD.—Are you going into another meeting now?

Mr. *Ross*.—No; I am going to ask him a question. (To witness)—You have your notes of that meeting?—Yes.

Were they taken at the meeting in presence of the persons, from their words as they uttered them?—Certainly.

Now go to the Finea meeting?

Mr. Justice FITZGERALD.—This is the time to take our half-hour.

The Court adjourned for luncheon.

At the resumption of the Court after luncheon,

Sub-constable CHRISTOPHER was further examined by Mr. *David Ross*.

Who was chairman at the Finea meeting?—Mr. Charles Rierman.

Under what circumstances did he take the chair?—He was proposed for it.

By whom?—By a Rev. Mr. Moran.

Did there appear to be any difficulty in constituting the meeting—in getting a chairman to preside at the meeting?—No, not that I saw, except that there was some reluctance exhibited.

On what day was the meeting at Finea held?—On the 27th of May, 1880.

Which of the traversers?—Mr. M. M. O'Sullivan.

Now, go down to the speech of Mr. O'Sullivan, and at page 5, line —, read his words?—(*Witness* reads)—"I have been asked, Mr. Chairman, ladies and gentlemen, to propose the second resolution to you. These are the terms of the resolution which I will propose—'That the only

safe, sound, and secure settlement of the land question is to abolish landlords' rights and privileges, and to restore to the people their just rights, of which they have been ruthlessly despoiled.' He continued—That is the resolution which I have to propose. That is the resolution which has my strongest and most hearty sympathy (cheers)."

That will do. Now go down to line eighteen on the same page?—(*Witness* reads)—I want no cheering, I want no speeching, I want action (cheers), for school boys can cheer just as well as men, but men must be determined to be successful (cheers). It is just twelve months since I first stood on the platform in Irishtown. In the presence of, I believe, fifteen thousand people, there are not one thousand here met together to assist us to propose fair rents to their landlords, and if they did not accept that, to pay nothing at all, (cheers). Now, that is what I want you to do, you will never do it, therefore, you must organize, you must get as one man, you must not allow yourselves to be exterminated. Are you satisfied to do that with the rest of Ireland. (Yes.) I would mistake you if you did otherwise, and I would be very sorry to have to come from Dublin if I thought you were capable of doing anything else. That you will here to-day hold up your hands before high heaven, and declare that never will you cease agitating, that you never will take a farm from which any man may be evicted. If you do that for a few years, landlordism is doomed in spite of ten thousand parliaments (cheers). I want you to hold up your hands it. Will I take that as a registered vow, or will I not? Will I go home knowing that you are determined to do your part. (We will.) I am sure of it. If you intend to be cowards, I am not one of you, but if you are determined to do your duty as men, then I am with you."

That will do. Now go down to the same page, line 50, nearly at the bottom of it?—(*Witness* reads)—"The only system that can give you fixity of tenure is the system that will make every man of you the owner of his own home, and that is the system for which you must fight, and you have the Irish National Land League with £20,000 at its back. Let you be evicted, and there is not a man living who would dare to take your farm, now in the meantime the Irish National Land League intends if you are swept out. I am here to-day in open insurrection to landlordism in every shape or form; you must have that before you, you must have that in your mouths. If you are not determined to have that you are not determined to have your rights. Who can give them to you? Organize! Organize! Organize! In other countries peasant proprietary has been established. In France the peasants were first in much the same way as we are. The people rose together as one man and won. Then I would like to ask you people to come together, only that we are 100 years behind the French peasant. We are not as determined as they were, but we might be (cheers). But peasant proprietary will yet make us monarchs of our homes (cheers). We will have to pay a fair value for the land, say 20 years' of the time. They have peasant proprietary in France to-day, and for the past 200 years. Are you willing to have peasant proprietary before 100 years are past, are you willing to join your brothers in Munster and in Connaught? This is what you are to take to your homes to-night, never mind speech-making. Take home the ideas, then ask yourselves, are they true? Act in accordance with the dictates of your own consciences. That is what you have to consider as how you can best benefit their wants. I will ask you then to form a branch of the National Land League here, it is the only organization at present to be recognised

in the country. Let no man be mean enough to slink away from the rest, if such men are to be found they are not fit to be in your organization, such men are always cowards. If you continue for a few years. If it fails, why it is not our fault. If it succeeds, it is due to your own exertions (cheers)."

Mr. *Walker*.—I just ask you one question. You mentioned Mr. Moran as the Roman Catholic priest?—No, sir; I called him the Rev. Mr. Moran.

On your oath, sir, is he not a Protestant clergyman?—I heard he was.

Mr. Justice BARRY.—What does he say?

Mr. *Walker*.—My lord, I know something about the place, and I ask him if the Rev. Mr. Moran is not a clergyman of the Protestant Church. I repeat the question.

Witness.—I do not know of my own knowledge. I heard he was.

Mr. *Adams*.—There is only one sentence in Mr. O'Sullivan's which I wish you to read—"I believe that any system which allows the landlord system to continue will be the system which will be accepted by the Irish people"—is that so?—No; of course what he said was this, that "no system."

Was this a quiet meeting?—It was.

Did many people speak at it?—I think seven or eight.

Do you remember what time the meeting commenced?—I do not, sir.

How long did it last?—I could not say. They generally last about an hour and a half or two hours.

How long do you think did this meeting last?—I think this meeting lasted about an hour or an hour and a half—about an hour, I think.

Do you swear it did not last two hours?—I do not think it did.

If people swore it lasted two hours, would you contradict them?—I would not.

How many printed pages does your report of this meeting run to?—Seven.

Some of them contain only small bits of print?—That is so.

If those small bits were run into the full pages of print, how much copy do you think they would make?—I cannot say.

About five pages, I presume?—I dare say, five pages.

If you were to read that copy as an ordinary speaker would speak, how long would it take you to read it?—(No answer). A quarter of an hour?—I do not think I would do it in a quarter of an hour.

In twenty minutes?—I do not know. I think not.

How long do you think it would take?—I think from twenty-five till thirty minutes.

If that report would only take you twenty-five minutes to read out, you cannot have more than half of the speeches upon your notes—I mean of what was said at the meeting—is not that so?—There was a great deal of interruption.

Everything was interruption that is not written by you?—There was a great deal of cheering.

One half the time of the meeting was occupied in cheering?—Probably, but I did not say that.

If the meeting occupied two hours, and you could read your report in twenty-five minutes, may I ask you how much of the meeting did you report?—I could not say.

Have you one-half the meeting upon your notes?—I think I have.

Have you finished a single sentence in the thing?—I think I have.

From your notes?—I think so.

Where were you placed while taking notes?—I was standing up against the platform.

Behind Mr. O'Sullivan?—I could not saybehind Mr. O'Sullivan.

Now look to page 2 in the print and read the resolution proposed by Mr. Moran?—(*Witness* reads)—"Resolved. That the land belongs to the people, for whom God has created it, and therefore that landlordism is an usurpation and it is the means of keeping the Irish people in poverty, ignorance, and slavery (cheers)."

Go down now to line 14 and read?—(*Witness* reads)—"That the land belongs to the people requires no great eloquence to tell you, no learned proof, because God made the earth for man. He did not make it for a principal class of men. He made the earth for the common benefit of all and consequently it is not for one set of men to show that the earth belongs to them."

Mr. *Adams*—I want you to look to the first page of Mr. O'Sullivan, 13th line—"(Cheers). No matter system may be extended to you for the settlement of the land of Ireland." What is the meaning of that?—I do not know.

Mr. Justice FITZGERALD—It is evidently meant for "better" system.

Mr. *Adams*—Still, my lord, that will not make it better sense.

Mr. Justice BARRY—We had some of Messrs. Gurney's men here the other day who wrote down everything they heard, and yet one of them had written the word "barren" for "fallen." These mistakes will occur sometimes.

Mr. Adams—Even if "better" were read for "matter," that would make no better sense. There is an apparent mistake.

Witness—There is a mistake in the print. I will read the resolution from my notes: "This is the resolution I have to propose:—That the land belongs to the people for whom God has created it, and therefore, no matter what may be extended for a settlement of the land of Ireland, no system which allows the land system to continue will be accepted by the Irish people."

Mr. Justice FITZGERALD—You read that from your original notes?

Witness—It is, my lord.

Mr. Adams—Then this printed matter is not from your original notes?

Witness—There is a mistake in it.

An improvement?—No.

Mr. Walker—Was not the real resolution this.—"That the land belongs to the people for whom God created it, and that, therefore, landlordism has exercised an usurpation in principle, in oppression, and in effect, the immediate cause of the poverty, wretchedness, and ignorance of the Irish people?"

Witness—I have that here.

You will not swear that what I have read is correct?—I will not.

Mr. *Ross*.—Now, turn to the meeting at Cloneen, on the 6th June, 1880. Did you attend that meeting?—I did.

As a shorthand writer?—Yes.

Were any of the traversers there?—Yes.

Who was present?—Mr. Michael P. Boyton.

Did you see flags or banners, or any objects that struck you?—Yes, sir.

Will you tell their lordships what they were?—On one flag was "God Save Ireland." On the front of the platform "The voice of the nation." On another flag—"Remember '47." On another a painting of a gun, and the words—"Remember Mitchell."

What colour were they represented in?—I could not say.

Mr. *M'Laughlin*.—Green, I suppose.

Mr. *Ross*.—Were there any more flags that you saw?—I did not note any more.

Go on to the speech of Mr. Michael P. Boyton, and read at page 9, line 3, beginning the sentence?—(*Witness* reads)—"We have made up our minds to sweep away landlordism (cheers). Therefore, men of Tipperary, understand our position before you give us your hand; we do not want your cheers. Understand that the fight that we propose is not a fight for tenant-right; it is not a fight against good or bad landlords; we propose so far as the people of Ireland backs us to sweep away the system. It is that the system of landlordism that we look upon to-day as the weapon with which the power"—(there is a break there)—"has crushed the hope of our race. The late Isaac Butt once called this black soldiery 'the army of occupation,' but Mr. Butt, with all his learning, did not name the real army of occupation of which that is only a weapon, the system of landlordism in Ireland. The landlords, be they good or be they bad—the landlords of Ireland—the army of occupation—hold you by the throat, and until you can loose that grip from off your throat, tell Mr. Smyth that you can never spring to your feet to ask for liberty. We live in a practical age, the days of oratory are arousing the people to a knowledge of the truth we preach. We preach against selfishness, these are the doctrines of Irishmen. In asking you to bind yourselves together to demand your right to the land God has given you, we ask you simply to put yourselves into the position of men who can stand erect and ask for liberty."

Turn to the next page and begin at the first line, "Dillon and Davitt."—(*Witness* reads)—"Dillon and Davitt will have a message from me that at a meeting of 20,000 Tipperary men I saw for the first time in my life in Ireland the stars and stripes as a signal of distress. Your brethren in America will know the meaning of that, for the American flag has never yet been appealed to in vain (cheers). I thank God who has given me to-day the power of meeting the men of Tipperary at the base of Slievenamon; but we are followed throughout the land by a swarm of spies."

That will do. Now go to line 17 on the same page, beginning, "You tenant-farmers of Ireland."—(*Witness* reads)—"You tenant-farmers of Ireland, by your greed for the land, have been mainly instrumental in building up bad landlords. You must not have any greed. You have learned from the oppression of your country that you have been a powerful weapon in the hands of your enemy. To-day we ask you not for your cheers. I ask every good, honest, faithful Irishman here present who loves his native land; I ask you here this moment, before God and your country, to raise your hands and say we pledge ourselves never to take the land from which a tenant has been evicted (hands raised and cheering). Men of Tipperary, it would be a poor sequel to your assemblage here to-day did you not show your practical determination to get your rights. To-day we baptize a new organization in this scene of an eviction; and I to-day proclaim a branch of the National Land League is at this moment formed, with Mr. Cusack secretary and Mr. Thos. Cahill treasurer. I want every man here to take a personal interest" (some words out there) "in setting on foot a branch of the Land League, and then you can say that you were always in the vanguard in the struggle for Irish rights."

Mr. *Dillon*.—Was there a letter read at that meeting? Was there a

letter read from the Archbishop of Cashel, Dr. Croke? Have you got it on your notes?—No.

You have not got it on your notes. Did you hear a letter read from Archbishop Croke?

Mr. Justice FITZGERALD.—Is that the same letter we have already heard read?

Mr. *Dillon.*—No, my lord. (To the witness)—Did you hear a letter read to this effect?

Mr. Justice FITZGERALD.—(To the witness)—Did you hear any letter from the Archbishop read?—I cannot remember it, my lord.

Mr. *Dillon.*—Do you swear that this letter was not read at the meeting?

The *Attorney-General.*—He says that he has no recollection of hearing it.

Mr. *Dillon.*—Was not this letter read at the meeting—"The Palace, Thurles. Dear sir——"?

Mr. Justice FITZGERALD.—You cannot read it, Mr. Dillon.

Mr. *Dillon.*—I think, my lord, I have a right to refresh his memory.

Mr. Justice FITZGERALD.—Certainly not.

Mr. Justice BARRY.—Do you really mean to contend that you are entitled upon cross-examination to read a document, so as to get in its contents, and then ask the witness if he heard it read.

Mr. *Dillon.*—I think I am entitled to refresh his memory. There was, as a matter of fact, such a letter read at the meeting.

Mr. Justice FITZGERALD.—The witness says that he has no recollection of hearing the letter.

Mr. *Dillon.*—I think, my lord, I am entitled to refresh his memory.

Mr. Justice FITZGERALD.—Not by reading the document.

Mr. *Dillon.*—Was there not a letter read, as a matter of fact. Did you not hear Mr. Cusack read a letter, as a matter of fact. Look to your notes?—I have not got it down, sir.

You have not got Mr. Cusack down as reading a letter at the meeting; you have not Mr. Cusack's name down, and yet you purport to give a correct report of the meeting. Now turn to page 9, in the print, to Mr. Boyton's speech. Look at line 11, beginning, "Men of Tipperary?—(*Witness* reads)—"Men of Tipperary, I wish to-day, once and for ever, on the part of the Irish National Land League, to put an end to the foul accusations that have been brought against that body, as an organisation; I wish once and for all, and I know that when I am speaking here, that" (some words out there) "the length and breadth of this grand island. I will read for you the foundation-stone where all we propose: 'There can be no sin in striving to live and wishing to die in Ireland.'"

This portion is in inverted commas?—Yes.

Go on?—(*Witness* reads)—"'It is neither sin nor treason to say that where a man labours he has a right to be fed, and that it is cruel to punish a man for not paying a debt that it is impossible for him to pay, along with being the most generous we are the most justice loving people in the world, and we will never seriously countenance any movement that is not based on the strictest morality' (cheers). It is now for you to say whether we are building the foundation stone of the edifice that will be crowned with the green flag of Ireland. But perhaps it is well that I should tell you where this came from. These words came from the lips of the Archbishop of Cashel, and to what can I compare him to, if not to the faithful wolf dog of Ireland that guards the pass wherein lies the undying hope of Ireland's independence."

There were several priests on the platform?—There were.

Mr. *M'Laughlin.*—Did you hear a gentleman of the name of Madden propose a resolution there, a civil engineer?—Yes.

Have you got that speech in your notes or your transcript. I'll read it—"That the thanks of the meeting be hereby given to the very few landlords of the locality, who have borne with the tenants a fair share of the depression, by allowing them a substantial reduction in the rents"?

Mr. *Ross.*—Have you any note of that?

Mr. *M'Laughlin.*—It is at the end of the meeting?—I'll find it in a moment.

I will take your recollection of it?—No; I have not got it.

Very well?—No, sir; he did not propose it.

Who proposed it?—Mr. Madden proposed it.

What are you jumping at in that way? You are contradicting yourself.

Mr. Justice FITZGERALD.—He is neither jumping nor contradicting himself.

Mr. *M'Laughlin.*—What did Mr. Madden propose?—He proposed this resolution—(reads)—"That we believe organised and determined action is essential to the success of land reform in Ireland, and we will therefore establish branches of the Land League in this county."

Was there not another resolution proposed just before the change of chairman—before the close of the meeting?—Mr. Boyton proposed a resolution there.

Was that immediately before the second chairman was moved to the chair?—He moved that the chairman leave the chair, and that the Rev. Father Kinane do be moved thereto. The resolution that I have was about united action.

Very well. You know a gentleman named Mr. Joseph Fisher, of Waterford?—I do not know him.

Did he speak there that day?—He did.

Now, have you the print of his speech there?—I have.

Do you observe this passage in it—"They 'all had met to express their sympathy with the most cruel case of eviction that had taken place in the South of Ireland within his memory." Have you that—it is about twenty lines down. You have the speech corrected there a good deal?—I have.

Very well. That will enable you to get what you want. How much have you got there altogether?—About three quarters of a page.

You must have condensed it. Will you kindly let me see it, and I'll get it for you.

Mr. *Ross.*—Read from line 11?—(*Witness* reads)—"I have been asked to give you some of the facts about this case"——

Mr. *M'Laughlin.*—What case. You see you put the cart before the horse?—(*Witness* reads)—"I have been asked to mention to you some of the facts connected with this case. I find, sir, that this property belonged to the family at a rent of £17 16*s.* per acre. This land, sir, next passed into the hands of a land speculator, and at the expiration of the lease in 1841, a valuation of the land was then made, remember the tenant then in possession built a house, and since the last lease was made the tenant had to pay £2,000 that was not earned off the land. Now, sir, the principle contained in the resolution is, that God made the land for man."

That will do; is that your own version of it?—No.

Whose version is it then?—It is Mr. Fisher's.

Do you mean to say that was what the man said?—I do.

Every word of what he said?—No.

"They had all met to express their sympathy with the most cruel case of eviction that had taken place in the south of Ireland within his memory." Why you have got one-eighth of it. "This property once belonged to a noble family to whom a lease was made, and the ancestors of the evicted man paid a rent of £7 16*s.* a year. The land passed into other hands, and at the expiration of the lease in 1841, a valuation of the land was made. The tenant in possession built a house and made improvements, and when the valuation was made the valuation was £354 (groans). And since the last lease was made the tenant in possession had paid in hard cash to the landlord, out of the patrimony left him by his father, £2,000 that was not earned by the land." Upon your oath, was that not what was said?—It might have been said.

And do you call that reporting, for I don't.

Have you the speech of the Rev. John Ryan, P.P.?—Yes.

And have you got at the end of it any allusion to Mr. Parnell going out to America?—Yes.

Read it?—(*Witness* reads)—"Mr. Parnell has crossed the Atlantic last winter, sacrifising everything to proclaim to the world the state of Ireland; but the moment he made his appearance the well paid servants (some words out), with their pens, endeavoured as far as they could to (some words out), but God is stronger than the devil (cheers)."

Mr. Sergeant *Heron*.—Now go to the Ballyleague meeting which was held on the 20th June, 1880. You were there, and reported the proceedings of that meeting?—Yes.

Which of the traversers were there?—Mr. Matthew Harris.

Did you notice mottoes or inscriptions there?—Yes, sir.

What were they?—There was one "Kilteeran Branch of the Land League," another "Parnell and Home Rule."

Anything more?—That is allI have.

That is all you have?—Yes.

Now will you go to page 3. Did Mr. Richard Lynch propose a resolution at that meeting?—He did, sir.

Will you read it?—(*Witness* reads)—"That we solemnly pledge ourselves never to take the land from which a tenant has been evicted, and to oppose by every legal means in our power the man who so lost to public decency as to be found occupying these holdings.

Now will you go to the speech of the traverser, Mr. Matthew Harris, on page 4, and read the commencement of the speech from line 4?—(*Witness* reads)—"Mr. Chairman, and fellow countrymen—It is with great pleasure I see so many thousands of you assembled here to-day. I regret very much that such an immense meeting has not before it a better man to represent the Land League than I am—(some words out)—and that is that I am a true-born Connaughtman (cheers). I feel great pleasure, as I said, at seeing so many of you here together. It proves that if the landlords on the one side are conspiring and plotting together in order to wage war against the people, the people are equally determined to come forward and meet these landlords in this war.

That will do. Now go to the next page, and go down to line 14 and read?—(*Witness* reads)—"I say it is your business to form branches of the Land League, and by this means you will be able to . . . . . (some words out there) the press that is upon you. There is another thing. You require great wisdom, but wisdom itself will be of very little use to you except you have the courage which Irishmen should have (cheers). Therefore I say to you, fellow-countrymen, if you have courage, if you have the spirit of unity, you are sure to succeed; but if you want that spirit of charity, if you do not use that

courage and determination which God has implanted in the minds of men, then you will be an exterminated people. And I would be very sorry that what I say to you now should be passed over when I leave this town. Your practical action, I should say, would be immediately to form a branch of the Land League here (cheers). Then they will find and feel that your strength is great, and your enemies will feel that you are getting too strong for them (cheers)."

Cross-examined by Mr. *O'Brien*.

Was there a Mr. Hackett present who spoke?—Yes, sir.

Very well; will you just give me the resolution that he spoke to? He proposed a resolution; will you just read it, if you please?—(*Witness* reads)—"That in the opinion of this meeting the conduct of those landlords who, regardless of the depression caused by these bad harvests, still evict their tenants, is unchristian and unjust."

Did he use this sentence: have you got any more of his speech there?—Oh, yes. I have.

Will you just read the first sentence of it?—(*Witness* reads.)—"Fellow countrymen,—Your presence here to-day in such large numbers is indicative of the interest you take in this question. The question now is asked why are Irishmen scarcely ever removed from destitution? It is not a pleasing thing for Irishmen to be told that the people of their country are beggared. And although, perhaps, he is not so well versed in the history of his country as he ought to be, still it is hard to be told this. To be mendicants amongst the nations of the earth is bad; but it is worse if he silently submits to be so any longer."

Mr. *Ross*.—Read the next two sentences if you please?—(*Witness* reads)—"Earnest able men are bound together to rid this country of landlordism. Our countrymen in America have formed Land Leagues to work with you, and we have at home here Charles S. Parnell (cheers.)"

Mr. *O'Brien*.—Did Mr. Dominick Owens propose a resolution there?—Yes.

Very well. Just read the resolution?—(*Witness* reads)—"Resolved that, pending the passing of a Bill for the Settlement of the Land Question, we hereby declare it to be the duty of the Government to preserve order in Ireland by suspending the power of ejectments for non-payment of rent; a power, which if exercised, would lead to much crime and agrarian disturbance."

Mr. *Ross*.—Now, there was a meeting held at Dooleague, in the county of Mayo, on the 18th July, 1880?—Yes.

Were you present at that meeting?—Yes.

There were two of the traversers there?—Yes, sir.

And you reported the proceedings at the meeting?—Yes, sir.

Were two of the traversers there?—Yes.

Who were they?—Mr. J. W. Walsh, of Balla, and Mr. J. W. Nally.

Did you observe any banners, or inscriptions on banners, at that meeting?—Yes, sir.

What were they?—"Slievenamon is awake—we dare any man another's farm to take."

Did Mr. Anthony Clarke make a speech there?—Yes; he was chairman of the meeting.

Just read his speech at page 2. (*Witness* reads)—"Fellow countrymen, as chairman of this meeting, I come to tell you the object of it. It is to put down land grabbing. There was a farm given up last

November by Thomas Scott, and there was a man found to take that farm. There would be no fear of the men of Islandeady."

Mr. *Ross.*—Did Mr. Denis Duffy, of Islandeady, make a speech on that occasion?—Yes, he did.

And also propose a resolution?—Yes.

Read the resolution, and also his speech?—(*Witness* reads)—"Resolved, that we, the people of Mayo, denounce in the strongest terms land-grabbers, who are the enemies of our country, and the tools of rack-renting landlords, and the chief cause of the extermination of the Irish people, and that its abolition will bring peace and prosperity to the Irish people. In reading that resolution, gentlemen, if you look round your native hills you see that they are desecrating them by the bullocks and sheep of Englishmen and Scotchmen, where one lived a happy peasantry, but their bones now moulder on the plains of Louisiana; why, then, do we allow these things to be carried on? For the last thirty years the land-grabber comes and takes up our land; he is the tool of the rack-renting landlord and oppressor of our country. (Voices, 'Down with them,' and groans). I am sorry I am not an orator; if I had the tongue of O'Connell or Grattan I could keep you for hours" (cheers).

Did Mr. Mellett propose a resolution at that meeting?—Yes, sir.

Now go to the top of page 8 and read it?—(*Witness* reads)—"Resolved, that we, the tenant-farmers of this district, pledge ourselves not to take the land from which a tenant has been evicted, and we shall look upon the man who does this as an enemy of the Irish people."

Did the traverser, Mr. J. W. Walsh, of Balla, make a speech at that meeting?—He did, sir.

Well, then, begin at the commencement of it and read it?—(*Witness* reads)—"Mr. chairman and fellow-countrymen,—I have to ask more than cheers from you, for all the cheering you could do until the"——(some words left out I could not catch) "of time are of little avail unless you are determined to work in this great cause. The terms of the resolution you have heard ask you to pledge yourselves not to take the land from which any of your neighbours have been evicted. From all the platforms throughout the length and breadth of the country a resolution like this has been proposed, and it has been manfully stood by. The land of the evicted farms are left untenanted, and should there be anybody mean enough to take those farms, I appeal to you in the name of Ireland to stand together like one man and point out with scorn any man who will be guilty of such an act. I will go further, that you will not speak to that man, or that you will not sit at the one side of the church with him, in fact, that you will look upon him as the enemy of the Irish race. The Irish National Land League is determined to carry on this land war until we succeed in abolishing landlordism, root and branch, from the country. Twelve months ago you held meetings, calling on the landlords for reduction of rent. You succeeded in a great many instances; and why, because you had the courage to stand up boldly and to ask for it. So long as the people of Ireland are slaves, so long will they be paupers. I appeal to you here to-day, tenant-farmers, to assist us in every part of Ireland in carrying out this war. Therefore it is that you should combine, that you should show to the world at large that you are prepared to work and abolish that system."

Mr. *Ross.*—That will do. Now go on at the same page, at line 45, and begin at—"I am an enemy of landlordism"?—(*Witness* reads)—"I am an enemy of landlordism, be it good or bad, in every shape or

form, and one of the greatest curses of this country are people who are called good landlords. I have never met one myself. I hold that landlordism is all that is villanous. Let me now ask you again, and to try and place before you the great responsibility which falls upon your shoulders. It will not do for you do depend upon Mr. Parnell; it will not do for you to depend upon Mr. Devitt, or my friends in America. The work must be done by yourselves alone; you are the power."

Have you got Mr. Nally's speech at page 13?—Yes.

Will you read Mr. Nally's speech?—(*Witness* commencing to read)—"Down with Churchill. Well my friends and fellow countrymen, and especially the Irish Nationalists that are assembled here to-day."

Mr. *Ross*.—That will do. You need not go any further.

Mr. *M'Laughlin*.—I suppose they are always going about arm in arm—these landlords and Mr. Nally?

Mr. *Ross* (to witness).—I don't think you need go further.

Mr. *M'Laughlin*.—If one goes down, the other will go down.

Mr. *Ross*.—Did you take down—and read so, if you did—what Mr. Walsh said in his second speech?—(*Witness* reads)—"I have much pleasure in proposing a vote of thanks to our chairman. I am sure that any assistance that lay in his power he has always given to the people. I have to ask you again to become members of the Irish Land League. I now beg to propose a vote of thanks to the chairman (cheers)."

Cross-examined by Mr. *Curran*.

You were told by my friend, Mr. Ross, not to read Mr. Nally's speech. Now, kindly read it for me?—I will.

Witness commenced to read—"Down with Churchill——"

Mr. *M'Laughlin*—Go as near the thing as you can in all sobriety.

Witness (reading)—"Down with Churchill! Well, my friends and fellow-countrymen, and especially the Irish Nationalists that are assembled here to-day, I have come here, it being the first time that I had an opportunity, to denounce a gentleman, if I can call him one, but I believe he is a bastard, although his mother might be a decent woman."

Mr. *Ross*.—Do you think it right or fair to read that?

Mr. *Curran*.—I did not see that when I asked the passage to be read. If I had seen it, I would not have asked it to have been read. (To witness)—Now, go on, and leave out that part. (*Witness* reads)—"The other night in the House of Commons, he called the attention of the Lord Lieutenant of Ireland to the language I made use of at a meeting at Bohola. Some time ago he wanted the Lord Lieutenant to take away my liberty, that I do not give a Continental damn about. I will tell you the very words I made use of at Bohola. I am at liberty to do it here to-day. Well, I do not care about that. I suppose he was jealous. Well, I tell you I do not care about that. He, Churchill! if I was there in the House of Commons, as I could have been, and although he may be an English count, he is of no account (laughter),—I could punce his snoot"—(he evidently meant punch his snout)—"But when I had not that honour, I ask you to give three hearty groans for him (groans.) Well, now, my friends, that is all I will say at present about him. I was intended to be in Roscommon, at a meeting to day, but I said I would and come here and denounce him. Now, my friends, I will read a programme from the Land League, and I hope you endorse it. He is Lord Churchill (groans, and 'down with him.')"

Mr. *Ross.*—Finish it. What do you say Mr. Nally did then?—(*Witness* reading)—"He here read a large proclamation, purporting to emanate from the Land League. It called upon the people not to emigrate under any consideration, and it blamed the landlord system in Ireland as being the cause of extermination of the Irish people; but the way in which it was read I was only able to take the substance of it."

Mr. *Curran.*—What way was it read?—Very quickly, and sometimes very indistinct.

Mr. *M'Laughlin.*—Mr. Ross has asked you to read the beginning of Mr. Walsh's speech. I want you to read one portion of it, beginning at line 29, page 8, beginning, "Dr. Doyle"—the Right Rev. Dr. Doyle he was referring to?—(*Witness* reads)—"Dr. Doyle, a short time ago, when he was asked what was the condition of the people in the West of Ireland, he said the people were starving. Now why are the people of Ireland starving? English writers will have the audacity to say that the famines in Ireland are due to a surplus population. I think Sir Robert Kane does away with the first argument when he tells us what Ireland is capable of supporting, 40,000,000. And with regard to the statement that the famines in Irela d are providential, they try to make the Almighty the scapegoat for what is due to the English Government. In '47, daily might be seen ships sailing to South America with grain and cattle seized in the shape of rent. Are you prepared that this system shall last, that Ireland shall go forth with the begging-box? (no, no)."

That will do. Can you tell me what was the name of the secretary of the meeting?—I don't know.

Did a gentleman called Arthur O'Malley propose a resolution at it?—Yes.

That was before Mr. John W. Nally spoke?—Yes.

Have you that resolution. It is only four lines?—(*Witness* reads)—"Resolved, that we heartily approve of the action of Mr. Parnell in the House of Commons, and his efforts to secure the assent of an *ad interim* measure that would fully protect the rights of the tenant-farmers of Ireland."

Mr. *Ross.*—Now go to the meeting at Keash, county Sligo, held on July 25, 1880?—Yes.

Have you got the print of the Keash meeting?—Yes, I have.

Who was the chairman at the Keash meeting?—Mr. Thomas Sodan.

What did he do?—(*Witness* reads from print)—"The chairman then came forward and briefly explained the object of the meeting, and advised the people to form a branch of the Land League in the parish."

Did Mr. Patrick O'Brien propose a resolution?—Yes, he did.

Read the terms of it?—(*Witness* reads)—"Resolved, that we the tenant-farmers of Keash, do declare our adhesion to the programme of the Irish National Land League, and establish a branch of it in this parish."

Did Mr. Finn make a speech at that meeting?—Yes.

Read that speech, beginning at line 24, page 3?—(*Witness* reads)—"I will ask you, in the words of this resolution, to join an organization about being established in this parish. A society who have their means at your power. Let no rival jealousy do harm to your proceedings. Let not that be the case, for it is known that the private is oftentimes found to be as good a soldier as his general. If you are evicted by landlord cruelty join this organization (cheers.) It will enable you to stand upon your legs. You will then be like men who understand your rights and are determined to assert them, and you will have at your back an organization that will not forget you; and also the ejected farms will remain untenan-

ted. Join, then, the club, and pledge yourselves never to take the farm from which another has been evicted. If you do this, if you keep in mind the settlement of the National programme"—(there are a couple of words left out there.)

Did Mr. Joseph O'Donnel Quinn make a speech at that meeting?—Yes.

Go to page 5, and begin from the commencement of his speech?—(*Witness* reads)—"Mr. chairman, men and women of Sligo, I feel that it is my first duty to thank you heartily and sincerely, to thank you for the very cordial reception you have given to me upon this my first appearance on any platform in the county of Sligo (cheers). I am here to-day as the representative of the Irish National Land League (cheers). But lest you might be disappointed, I feel bound to say that it is not to be expected from me either a lengthy or an eloquent speech. I am one of those young Irishmen who do not believe in the efficacy of speech for the rights of our country, as if it had been possible by eloquence to achieve all the rights that our country has been robbed of, and all that is theirs by justice, and by virue of their birth, these rights would have been achieved long ago. But no, my fellow-countrymen, by other means must your rights be won.

Now go to line 24—"I think it would be unnecessary to enumerate," and read?—(*Witness* reads)—"I think it would be unnecessary to enumerate the many evils that has accrued to our country from this institution of landlordism. I ask you, as practical Irishmen, is that institution just? ('No, no.') Landlordism is one of the chief props of English dominion in this country; pull down that prop, and the old ricketty edifice shall soon be laid low. Then again, I shall ask Irishmen, aye, and Irishwomen too, ought you not, with all your might and with all your strength, pull down this prop? This movement has this object in view. I ask you then, will you do it? (cheers). You know, as well as I do, that we can never gain our ends by those means. We must gain them simply by unity and organization (cheers). Let the people of Ireland be united; let them be all organized; and the rising of to-morrow's sun is not more certain than that the day of Ireland's deliverance is near at hand, and landlordism shall be laid low (cheers)."

Go down now to line 42 on the same page—"But I feel bound to say, as I said before"?—(*Witness* reads)—"But I feel bound to say, as I have before said, that the means by which the rights you have set your hearts upon gaining, are to be gained by unity and organisation. Bind yourselves into clubs and associations. If you disapprove of the principles of the Land League, then I say, join yourself into other associations having the object in view, the liberation of our country from this system. (We will make the landlords emigrate.) I do not think there is anyone here who would have the slightest objection to that, and the day is near at hand, if they do not emigrate, they will have to go out of Ireland (cheers). And let me ask you, why should they be tolerated in this country? Landlordism is an English institution. It lives upon the sweat and the labour of the tillers of the soil; and, let me ask you, what are the titles of these men to these large districts of land they boast of? Examine them: and in every one hundred cases you will find that their only title deeds are written in the blood of your fathers (groans). I need not tell you that landlordism is spending everything you have in luxury. Will you tolerate this system? Answer like men, will you? (voices, 'No, no'). God created the land of Ireland for the people of Ireland. Any longer you should

not tolerate this accursed brood—the blood-sucking landlords of our country (down with them). In conclusion, I would repeat the advice that was given to you, tenant farmers of Ireland, by John Dillon, member of Parliament for Tipperary (cheers, and 'We had him here'). If you had you had a good man, and a faithful son of Ireland, the offspring of a rebel of '48. He has counselled the people of Ireland to resist to desperation any attempt on the parts of the landlords to confiscate the harvest, what you have spent your toil and sweat upon. Hold the harvest; do not let the landlords deprive you of it. What are their rights to it? Have they ever put one hand to a plough or a spade? Well, then, my concluding words to you will be to stick to your harvest; to unite yourselves into societies; and, with the blessing of God, the day is near at hand when landlordism shall be abolished; when the tenants farmers of Ireland shall be in the enjoyment of their own rights, and the men of our country shall look upon a regenerated and free land (cheers)."

Did Mr. Bournes propose a resolution at that meeting?—Yes.

You will find it at page 8. Read the terms of it:—"Resolved, that we regard any landlord who evicts a tenant in this year of famine as an enemy of the human race, and shall stigmatise as a traitor to his country any person who takes or herds a holding from which a tenant has been evicted."

Go to the speech of Mr. Sheridan, at page 10 of your print, commencing at line 5—"I have to congratulate you"—(*Witness* reads):—I have to congratulate you upon your presence here to-day, and I hope the result of this day will be something practical. If it is not, I shall think this meeting one of the many failures. I care not for speeches, be they ever so eloquent, and I care not for your cheers. I like to see practical work; and by no other means or measures" (some words left out here) (cheers). "Then, my fellow-countrymen, it is that you are practically to apply yourselves to the task that is before you. It is very clear and definite in the programme of the Land League."

Go to line 18?—(*Witness* reads)—"I have no fear, my fellow-countrymen, that with a little political training, you will just all be capable for the efforts we have at heart, but what is necessary is to form organization yourselves, and once that it is thus, you will be no despicable factor in shaking landlordism in its vamps."

Go to line 30, and read?—(*Witness* reads)—"The resolution which I have come here to support is one that you must practically apply to yourselves. It asks you to look upon landlords as the curse of the land, and as an enemy of the human race. It asks you to call the man a traitor who goes behind your backs and takes your farms."

Turn to the next page, 11, and read from the second line?—(*Witness* reads)—"I would pass to the practical portion of the resolution. I would ask you, with regard to the taking of another's land—I tell you that this is a thing deserving of your attention. It is the one principle which this movement covers, and on which the independence of the tenant-farmers rests on firmly, that the man who dares to bid for a holding is a bigger enemy to the people of the country than the landlord who tries to evict one man in order to make another pay him better. I have here to repeat the advice I have given to you from every platform. Any man who dares to take possession of a farm from which another has been evicted, let the finger of scorn be pointed at him, and let the children scout him (groans). In fact it becomes a national duty that this should be done; such men are the curse of your country."

Go to line 19?—(*Witness* reads)—"You have given a pretext to land-

lords for eviction. Let it remain unhabitated, let no man attempt to utilize it, except as a common for the public good (cheers)."

And read from line 25?—(*Witness* reads)—"Then in order to carry this out you must pledge yourselves here before God that you shall never posses a farm from which your neighbour is evicted. Then, my fellow-countrymen, in order that you might direct the necessary arrangements, it is necessary that you at once form a branch of the Land League. Let the men of the parish come together, and say, I will be secretary, and chairman, then the men you have at the helm are men whom you have selected; but I ask you to be cautious, my friends. Do not measure the man by the extension of acres he possesses, or an amount of polished talk he may use; select him whom you know to have at heart the carrying out of this great movement, and there is no fear but that they will direct you properly."

Mr. *Walker*.—Just one passage. At line 37, on the page before you, you will see, "Some documents have been handed to me." Read from that?—(*Witness* reads)—"There is one other fact that I want to mention. Some documents have been handed to me; amongst them I find some little facts which certainly are remarkable. On a certain property I find that the landlord has given a holding to Anne Hannan, valued at £12, and she now has to pay £25 2*s*. 4*d*.; that is as good as asking 1*s*. 3*d*. in change for a 1*s*. The district of Battlefield, I find is the same—Mary Hannay, land worth £11, rent £22; Bridget Hannan, land worth £7, rent £14 0*s*. 4*d*.; John Higgins, land worth £20, rent £30; Widow Mary Higgins, valuation £6 5*s*., rent £12 (voices—'Down with him'). There is a specimen of Irish landlordism. There is another widow on his land, a Jane Hughes; her land is worth £3 5*s*., and her widow's cap does not save her in the presence of this land tyrant; but he must make her pay 2*s*. for the 1*s*. he has given her.

Mr. *Nolan*.—Would you go to the resolution proposed by Mr. Murtagh Corcoran, on page 4?

Mr. Justice BARRY.—Who is the speaker?

Mr. *Nolan*.—It is a resolution proposed by Mr. Murtagh Corcoran—(*Witness* reads)—"Resolved—This system of land tenure in this country has proved productive of the worst evils; we pledge ourselves to use every just means in our power to abolish this system, and substitute one which will secure the proprietorship of the soil to the man who tills it (cheers)."

Re-examined by Mr. *Ross*.

Read the speech made in introducing that resolution?—(*Witness* reads)—"Gentlemen and ladies, I cannot but be congratulated and happy from pride to be raised to this position of reading this resolution. You are assembled in your thousands to protest against this system that has destroyed our country, and that has sent thousands of our countrymen to seek a home in a foreign land; but follow in the footsteps of Mr. Dillon, Parnell, and the Land League, and you will conquer. You must have unity and organization to succeed, so let you join Dillon and Parnell, and the Land League (cheers). I now beg leave to propose the resolution."

Now go to Cork city meeting, held on the 19th October, 1880. You attended there and reported the meeting?—I did.

Who was in the chair?—Mr. John Daly, Member of Parliament.

Go to line 11 of his observations at page 2?—(*Witness* reads)—"Mr. Dillon will explain the objects of the League. I do not think there is

any association that ever was started has been more vilified, but I defy any man who will read these rules that they are not proper and just, and suited to the requirements of the people; but Mr. Dillon will address you at length upon this matter, and also go at length into the objects of the League (cheers)."

Was Mr. John Dillon there?—He was.

Did he speak?—He did, sir.

Will you go to page 4, and read from line 9 of his speech?—(*Witness* reads)—"Now I come to the practical work which we should undertake; perhaps I cannot introduce that better than by reading a short statement of the objects of the Irish National Land League. I do this because we find it necessary, over and over again, to read these in answer to the misrepresentations which have been made against us. Here is the card we circulated in thousands in Ireland, and every farmer through the country has this card in his house."

Did he show a card?—Yes, sir, a number of cards.

Read on?—(*Witness* continues to read)—"First, to put an end to rack-renting and eviction. 'Is that assassination?' Second, to effect a change in the land system in Ireland as will put it into the power of every Irish farmer to hold the land he tills on fair terms. Well now the means we propose—I suppose the landlords will say it is by shooting the landlords, and the means are—Organization amongst the farmers for the purpose of self-defence; to purchase no cattle or goods which may be seized for the non-payment of an impossible rent, and by public meetings to show the injustice of the present system; a resolute demand for the reduction of excessive rent. Fourth, temperate but firm resistance to oppression. These are the means which we propose to adopt, and I may point out that the means which have proved already more effective to protect him against oppression than years of agitation, is that of refusing to take a farm from which his neighbour has been evicted, and refusing to purchase cattle. Now, I should like to explain that last passage. Temperate but firm resistance means that when an estate is rack-rented, and when we advise the farmers on that estate to tell their landlords that they will not pay that rent, we do not mean that we shall resist the police in their attempts to carry out the law. I do not wish to expose our people. I do not consider they can successfully carry it out. Nor does it mean to shoot landlords, nor does it mean to commit injury to property; but it means that we shall get up (a word left out there) that they will defy the landlords, and say, 'This much you shall get, and no more.' Then comes into play our other principles. If he evicts the whole estate, the (some words left out) support the farmers, and hold meeting after meeting with the object of not taking the farms—not to assassinate any man, but to bring public opinion to bear upon him by not speaking to his children and refusing to purchase or deal with him at fairs. These are the rights of the farmers; and we have tried in several localities. We have succeeded so far to keep these farms empty. Now, these are all the things we ask the Irish farmers to do. There is nothing in all this that can bring the farmer within the grip of the law, and there is no doubt now, if the Irish farmers carry on this policy, the landlord system must come down (cheers). Now, I come to point out why it is that Mr. Parnell thought it desirable to repeal this. It is not necessary for me to say, what was said over and over again, that it is just as much interest to the merchant to overthrow the Irish system as it is the farmers. There is another strong reason, and it is this: I know for a positive fact that the Irish Government are undergoing

pressure to suspend the Coercion Act. It is now your duty to take a stand one side or another. If the city of Cork goes in with the Land League it will help them. The impetus of this city going in with this movement (some words left out there). . . . I have said already the interest of all classes are bound together. Now, I desire to say, in conclusion—I think it right to say it—those who say that this movement is antagonistic to any other movement that is for the good of Ireland, are treating us with injustice. This movement is a temporary movement. We all wish that the Land League will soon come to an end, but I do not see any practical way for to effect any good for Ireland so long as the vast majority of the Irish people depends upon the whim of a small class who are nine-tenths English in sentiment. I say that I cannot conceive the feelings of Irishmen who think that the cause of Ireland will be injured from emancipating you from living on the will and caprice of masters, instead as living as freemen. I would wish to say one other word. The work in which we are engaged is not agitation, because I have always told our people that the meetings are nothing except backed up by determined action."

You may stop there. Go to line 35, and read?—(*Witness* reads)—"I think that this Land League would best assist us by promoting through their local knowledge the formation of branches through the county Cork. I think it more desirable that directly you form a branch you should be in connexion with the Dublin branch, and to send in a monthly report, stating the number of members and the amount of money received. The Cork Land League can give enormous assistance by giving these persons any information necessary. I will not sit down without saying that good work has been done by the Land League. A good spirit is spreading throughout the country. There is most monstrous tyranny practised, and I mention this for the purpose of not forgetting what the Land League has already done."

That will do.

Cross-examined by Mr. *Macdonogh*.

Go to the first page of Mr. Dillon's speech, and read from the commencement of the third paragraph?—(*Witness* reads)—"Therefore, I say, according as the people understand and adopt the policy of the Irish Land League, so have we a right to expect that outrage and acts of violence will disappear from Ireland."

Mr. *Macdonogh*.—And then he goes on to illustrate.

Re-examined by Mr. *Ross*.

Go to the Bailieborough meeting on the 21st October, 1880. You attended that meeting to report the proceedings?—Yes, sir.

Could you tell me the names of any of the traversers who were present at that meeting?—Mr. Biggar, M.P., and Mr. Sexton, M.P.

Did you observe any inscriptions on banners there?—(*Witness* could not find a record of them on his notes.)

No matter. Go to Mr. Biggar's speech, page 5 of the print, and line 9?—(*Witness* reads)—"But he said a meeting is only the first step in the crisis in which the land agitation is engaged, it is your duty to form Leagues in every parish in this county, and Mr. Parnell promised that as soon as you have organized the county Cavan into clubs, he will come and address a meeting. The resolution is:—'That we accept no settlement of the land question as final which does not substitute for the present baneful system of landlordism, a peasant proprietary, and to attain

this object we pledge ourselves to work in unison with the Irish National Land League, and to established branches of it in this district.' Now, gentlemen, we have heard from time to time a good many criticisms on the action of the National Land League. . . . . (some words left out there) for the settlement of the Irish question might be made than proposed by the League, but we find the League in existence, and we find that the opinion in favour of it has become so general that I do not require to argue in favour of it, but I may say this, that I think the plan proposed is the most feasible of any, namely, that the Government should buy the land of the country, and that they should sell at a reasonable rate their holdings to their occupiers, allowing them to pay up by instalments for 35 years. Now the advantages of that system over any others are very great."

Go to the next page, and at line 2 read the passage there?—(*Witness* reads)—"Now, our worthy chairman, in his speech said that it was undesirable that anything in the way of violence towards the landlords should be perpetrated. Now, on that subject I will say this. That the Land League as a body wants to do what is most beneficial, and they do not want any violence should be offered to the landlords. Now, one of the reasons is this—that persons who have undertaken to shoot landlords have missed the landlord and shot some one whom they did not intend. Now that is one object which is palpable on the face of it. But there are other objections which has been raised against this agitation as a body is, that deeds of violence have been committed on the part of the people who come to Land League meetings, and the result of that has been that it is calculated to injure the cause of the tenant farmers of Ireland in public opinion with those likely to have the decision of the Irish land tenure. And you should discourage deeds of violence then. Then there is another objection which will undoubtedly be palpable to you all. It becoming a general thing of acting violently to any class of people the result would be, that deeds of violence would become general and then bring discredit on the Irish people. These are reasons that are sure to be felt. Because I have not the slightest doubt that certain members here would be delighted with me saying shoot the landlords (voices, no, no.) I say in the interest of the tenant farmers of Ireland—I hope that it is undesirable that such deeds should be practised (cheers). I say it is the duty of public men to put the saddle on the right horse, and the great criminals are the landlords of Ireland."

I think you may stop there. Read at page 7, line 6?—(*Witness* reads)—"I have been too tedious, but seeing that I am one of the representatives of this county, I will speak at some length. First of all the Land League will give you the best advice if the landlord is bringing an action against you. Then, if the landlord succeeds, it is your duty by all the means in your power to take care that no man shall take this land that another person holds.

"When we talk about the curse that falls upon a man who commits murder, I think a similar curse falls upon a man who has the cupidity to take the land from which another has been evicted, seeing that he is an enemy of every man who lives in the [some words left out there]. Now, there are many ways by which you [some words there also]. For instance, if anything goes wrong with any of his family you give him no sympathy, and the shopkeepers should not buy from him. A similar thing might occur all over the country, and if there is sufficient pressure brought to bear upon a few of these people, the result will be that such a thing as taking land will not be. This, of course, is depending upon

what we call a final settlement. We do not say that we will not accept less than that, but we will take it only as an instalment. If the tenant farmers spread over the country, if they will be true to themselves, and will enter into the Land League, the result will be of benefit to the Irish tenant-farmers, and to every man in Ireland. The cause will be benefited, the farmers and shopkeepers will be benefited, and you will have more money to spend in improvements, and you would raise the rate of wages and put these men in a better position of saving money and becoming better farmers. I have great pleasure in seconding the resolu tion (cheers)."

Now, Mr. Sexton was at that meeting?—Yes, sir.

Go to his speech at page 10; read the commencing part of it?—(*Witness* reads)—"Fellow countrymen, I have the honour of coming among you here to-day as a delegate of the Irish National Land League."

Go to the next page, 11, and read from line 33?—(*Witness* reads)—"There is only one way to settle the land question, either the landlord or tenant must go. Now, will it be the landlord or will it be the tenant? (Voices, 'The landlord.')"

Go to next page, 12, and read from line 6?—(*Witness* reads)—"Now, the resolution says—That we pledge ourselves not to take a farm from which a tenant has been evicted for non-payment of an unjust rent. Neither will we work upon such a farm, nor buy any stock or farm produce which may be sold for rent."

"Now, unless you carry out this resolution you might as well stay sitting at home. 'You may resolve till the cows come home,' You must do something else as well. You must, by practical action show that your resolution says more than words.

"First of all, we say that the local branches of the Land League should consult together in these troublesome times, and agree what rent they will pay to their landlords. Let them offer this rent—it may be Griffith's valuation—offer whatever you can fairly pay. If the landlord will not have it, why you have no choice but to keep it. Let him, if he wishes, have recourse to law for his rights, and I can assure you, in every such case, the National Land League will be ready to give you liberal help from its funds. Well, if the tenant is turned out, it will be your duty to assist him. Then, next you must resolve that not one of you will take the farm—I do not care what the Law Officers of the Crown may say—that you will not, any of you, take the farm from which any man has been evicted; and that you will not contribute to the help of that farm by buying any cattle from offit. There is one point upon which this resolution is silent, and I think it my duty to say that if any man be found among you to violate the rule which you have laid down—if any man be found who takes a farm from which—(some words left out there)—it is your duty, it is your right, to make evidenced the feeling which the action of that man caused in your minds. You have no idea. I am sure none of you would commit an outrage. Outrage hurts our cause. It may gratify the feelings of one man, but it does not fail to raise the cry of coercion, and which may perhaps interfere with the progress of our movement, and do material hurt. Every man who violates the law which you have laid down, you must leave that man as lonely, in the midst of a populous town, as Robinson Crusoe was on the island. Remember these three rules:—First, that you will not take a farm from which anyone has been evicted; second, that you will not buy th produce of such farm; and third, that you will not give countenance t any person who takes such a farm. And let me tell you, if you find i

your towns any shopkeeper incurring the favour of the landlords, the people have a ready way of dealing with these people. There is no occasion for you to go into his shop to ask him to take down any of his goods."

Cross-examined by Mr. *Walker*.

Have you got the speech of Mr. Fay, one of the members for the county?—Yes, sir.

Will you go half-way down it—in fact, rather towards the end of it—to the passage, "Surely we have no confidence in the English Government"?—(*Witness* reads)—"Surely we have no confidence in the English Government. The men who put the same price on the head of our priests as on the head of our foxes. I hope in God that some reasonable workable scheme will be adopted which will make every man owner of the land he tills. I think that fixity of tenure at fair rents is a system which is reasonable, it would be just and fair play for everyone. I think the Irish people have been honest, they are always led by their priests. I think the Irish people abhor assassination and murder. We find in Holy Writ: vengeance is mine, saith the Lord, and I will repay. And blood cries to heaven for vengeance, and any blood-stained land will not be prosperous, and every man and woman should pray to heaven to avert the calamity. I now come to the point of the resolution. I have been always true to the cause of Home Rule."

Now, turn to the speech of the Rev. Mr. Boylan, later on towards the end of the meeting?—Yes. (Witness refers to the transcript).

Oh! never mind. I won't ask you any questions about it. You have only a skeleton of the speech.

Cross-examined by Mr. *Nolan*.

Was not a letter read at that meeting from Mr. Redpath?—I think I remember it. I remember something about it.

Mr. Redpath is the correspondent of an American paper in Ireland—the letter was read here yesterday—do you happen to know that?—No, sir.

I will now read it for you, and I wish to ask you did you hear it read at the meeting. The letter is as follows:—

"Galway, October 18th, 1880.

"DEAR SIR—It is impossible for me to accept your cordial invitation. My duties keep me here. If the Irish people will only unite in legal organization—if the young men can be prevented from ruining this holy war for human rights by acts of violence; and if the old men can be hindered from degrading it into a squabble about the best way of perpetuating the evil of landlordism, by long leases or other quackery, instead of uprooting it once and for ever, no increase of the Constabulary force, no abrogation of constitutional rights can prevent the speedy establishment of a peasant proprietorship in Ireland. The movement can be postponed by the madness of murderers, and by the cowardice of politicians; but these two evils averted by the moral power of the people, this land war which has lasted and lasted for centuries will soon be buried for ever in the presence of millions of unpitying eyes. No compromise, no Ulster custom—but universal proprietorship. Too long have idlers sinned on the wages of the toilers.—Ever yours, truly,

"JAMES REDPATH."

Now, have you got Mr. Sexton's speech?—Yes.

Would you kindly read it from line 7, "I have listened," to "says a lie"?—(*Witness* reads)—"I have listened with pleasure, which I would find it difficult to express, to the wise and patriotic words addressed to you by the rev. gentleman, who (words left out there) the Church to-day when he assured you that in this effort you have the cordial help of the clergy. My friends, it is needless for you to say invaluable is the help of the clergy in any movement. The aid of the clergy is valuable in all countries, but it is especially so in Ireland, because the tie has been of a most devoted kind, and I am glad and proud that in this crisis that it can be said by the Government the hearts of the Irish clergy are with the people (cheers). And, let me add, that their presence on this platform is the best answer that could be given to these base enemies of the people who send calumnies through the press in their" (A word left out there).

In the print I have, I have the word "effort"?—I left a word out there.—(continues reading).—"To frighten the Government of England into gagging the speakers. Those who say this movement would countenance crime says a lie."

Now read at the words "I am also glad to see the labourers," &c.?—(*Witness* reads).—"I am also glad to see the labourers assembled in such great numbers because in the first place a great many of the farmers about this district are labourers, these that hold small farms. I believe I may say all of them. And we know that, that class in Ireland not only do the farmers work at home but in England. Well I am glad to see the labourers because it proves to me that here in Cavan the intelligence of the people rejects the nonsense that has been lately spread. That this movement cares nothing about the labourer, but all about the tenants. The president of that organization which I represent here to-day (Mr. Parnell), went to America to obtain, what already in the House of Commons he struggled to obtain, to save the Irish labourers from starvation. The landlords refused to take a loan at 3½ per cent. to save the labourers from starvation, when the loans were offered at 1 per cent. they took them, but I am very doubtful where this money went to. Every pound the landlord spent upon land, there will be £10 taken from the tenant in the shape of rent. I can tell you that when we have broken down the bartering system in Ireland, that the best land can be sold at the low cost of 2*s.* 6*d.* per acre, and bring land into the market the same as bread, there will be a chance for the labourer to raise himself in Ireland. At present the cost of lawyers' fees in Ireland is more than the labouring man could save in the whole course of his life, and when the labourer will be able to lay by and save a few pounds, I will venture to say in the next generation there will be many of the labourers of Ireland landlords ever their own little holdings (cheers.) Now, my friends, you have adopted to-day a resolution in which you say that no settlement of the land question will be accepted as final except by peasant proprietary, and I say that the great countries of the world has a system of peasant proprietary. Why do you say the landlords must be done away with? First, when you look back on the different attempts that has been made to settle this question have been a failure. You remember the Encumbered Estates Act. You were told that in a clause of that Act new landlords would be brought in. What was the result? It was out of the frying-pan into the fire. It gave place to new men—a class of money grubbers, men who made their money over their counters, when they came into possession of the land you found a new class of men—men who should

get the last penny. Then I say the Encumbered Estates Act has done harm, it has established a school of landlords, and the result of that has been the landlords have been quietly endeavouring to clear away the small farms. I say that every attempt that has been made to settle the land question in keeping the landlord in his place has been a failure. Now, we who have seen our country pass through a crisis of famine have sworn a vow, that we will never let our country be dragged into such a thing again. Now, my friends, there is nothing for it but one thing. Ireland must follow the rest of the world, what are we worse, that we should drag out our lives in terror of the landlord or agent, that we should live in our homes and live decent lives, and have something to lay over for old age like the people of other countries (cheers). There is only one way to settle the land question—either the landlord or tenant must go. Now, will it be the landlord, or will it be the tenant? (voices, 'The landlord'). Now, my friends, you have resolved that a peasant proprietary must be established, and I say also the way to establish it is in your own hands, and it is not in the power of any class to keep you from establishing that. It has been stated that the plan of peasant proprietary is not one that would tend to the benefit of Ireland. Well, Mr. Parnell and his friends are not bound to any particular plan. We do not propose any plan. We are not the Government of the country. We come forward and say what is necessary for you. But, at the same time, I will say I consider the plan a very good one. The English Government have contracted a National debt of £800,000,000 for foreign wars, and if they would contract a debt of £150,000,000 more they could buy out landlords. Well, all I can say is, that it would be very much better for you to have to pay to the Government a settled rent than any to the landlord, which he can raise at his own caprice. If a year of famine came upon you, would the Government turn you out? It is most absurd to think it. You have sixty members in the House of Commons who are determined not to stand any nonsense."

That will do.

Cross-examined by Mr. *Curran.*

Did you hear a letter read from the Vicar-General, Father O'Reilly?—I cannot say.

Did you hear such a letter read?—I cannot say.

Do you not know of such a letter being read at the meeting?—No, sir.

That is all I have to ask you.

Mr. *Ross.*—You may come down.

The witness then left the table.

Sub-Constable THOMAS KEAVENEY, sworn by Mr. *Maybury*, Assistant to the Clerk of the Crown, and examined by Sergeant *Heron.*

Are you a shorthand writer?—Yes.

And are you able to report?—Yes.

An ordinary speaker *verbatim* if you had facilities?—Yes.

Did you attend the meeting held at Beaufort, county Kerry, on the 16th of May last?—Yes.

The O'Donoghue was in the chair?—Yes.

Will you go to page 3, line 15, of his speech?—(Witness refers to the printed transcript.)—Yes, I have it.

Begin at the words—"Fellow countrymen, there will always"?—

(*Witness* reads)—"Fellow countrymen, there will always be croakers. (I have that struck out); there will always be misguided men—(voice, 'And traitors'). There will be traitors, more or less pronounced; but, fellow countrymen, thank God these count but as nothing in the muster-roll of a nation, and we will crush them or sweep them away as we are marching along (cheers). Ireland, fellow countrymen, has called upon Mr. Parnell to lead her to liberty. He won't—(a voice, 'If agitation fails, we will have the sword'). The Israelites of old had to follow Moses across the Red Sea before they could reach the Land of Promise. If it should happen, fellow countrymen, that in the course of our progress towards freedom a Red Sea should intervene, the world may rest assured that from the four corners of the earth the voice of Ireland will be heard shouting, 'Onward.'"

Will you now go to Mr. Parnell's speech—the printed copy you are reading from is an exact copy of the original notes you took at the meeting?—Yes.

And did you take those notes as accurately as you could?—Yes.

Now kindly go to page 4 of Mr. Parnell's speech, line 23—"The laws of the landlords"?—(*Witness* reads)—"The laws the landlords may give the landlords the right to exact any rent that they please, and to seize the food upon which the tenant has to depend for his existence in satisfaction for that rent, and finally in driving out the tenant from his holding if he fails or is not able to pay his rent. These laws are unjust, and although we Members of Parliament can do and will do a great deal to alter them, you can do a great deal more. The power of organization is enormous; there are 600,000 tenant farmers in Ireland, there are 10,000 landlords, and no law can give the 10,000 landlords the power to drive away 600,000 tenant farmers (cheers). Now there has been a dispute, a difference of opinion, as to the way in which this land question will be settled. We believe it will never be settled as long as this institution of landlordism survives in Ireland (cheers). You may patch and cobble the system as you please, but as long as it exists in Ireland you will never make it anything but a bad system, and it is your duty in laying down the lines for this question to see that they are laid on a good foundation (cheers). We have put our demands before the English nation, and we shall shortly put them before the English Parliament. In other country, save England, Scotland, and Ireland, has such a system of landlordism survived, and we shall ask what steps shall be taken to abolish it in Ireland."

Now go to page 5, line 19—"I know as a matter of fact"?—"I know as a matter of fact that of the 600,000 tenant farmers of Ireland, fully 400,000 are unable to pay the rents (cheers). Ejectments for non-payment of rent have been scattered broadcast over the land, and in a short time the landlords will ask the courts of law to enforce those decrees and ejectments. This will be a very serious situation."

"Can it be expected this time in the 19th century our people will allow themselves to be driven from their farms as in 1848. I think that day is gone by (cheers, and 'We will not do it'); that a spirit of determination is taking fast hold of our people, and that they will no longer permit themselves to be exterminated as in the past, either with or without the law (cheers). I say that the Government that leaves the tenantry of this country at the mercy of the landlords undertakes a very grave responsibility, the outcome of which no man can foresee; and I ask the Government of England to inform themselves upon this subject, and if it finds that my statement is a true one, and that the majority of the Irish people are face to face with famine, that they will pass such a measure as will

stay eviction (cheers). If the Legislature refuses to step in this agitation will have to go on (cheers), it will increase tenfold in intensity, and the people will do for themselves that which the Legislature refuses to do (cheers). Now, I have said that I don't object to the Ulster custom, but the Ulster custom is entirely inadequate to meet the present emergency, and it is useless for the Government, like the ostrich, to hide its head in the sand, and to imagine that by extending the Ulster custom to the rest of Ireland, that they can meet the gravity of the present emergency. We have recommended, amongst other things, that a Commission should be appointed with powers of compulsory expropriation in certain cases. Some people have said that we ought to expropriate absentee landlords and London companies. Now, undoubtedly, the principle of expropriating absentee landlords, London companies, and corporations drawing vast revenues from Ireland and returning nothing, is a correct one, but at the same time I cannot help saying that many absentee landlords and London companies own the lowest rented estates in Ireland, and I should prefer a measure of compulsory expropriation in the case of rack-renting landlords. I would empower the Government——'

Mr. Sergeant *Heron*.—Stop there, and go to page 6, line 25?—(*Witness* reads)—"The National Land League has plenty of money at its disposal for the purpose of defending the tenantry of Ireland. Your fellow-countrymen in America will send you as much money as you want. Everywhere throughout the States I found the greatest anxiety to help you. Do not, then, be afraid. Band yourselves together; organize yourselves (cheers) against the landlord system, and, believe me, the day is dawning when we shall have taken the first great step to strike down British misrule, and the noble dreams of Grattan, Emmet, and Lord Otho Fitzgerald, and of every Irish patriot ought at all times to be brought to a triumph and realization (cheers). I have much pleasure in proposing this resolution:—'That in the opinion of this meeting the eviction of occupiers of land for non-payment of a rent arbitrarily fixed by the landlord is unjust, subversive of the interests of the country, and calls for the emphatic condemnation of all lovers of justice.'"

Mr. *Macdonogh*.—I do not ask you any questions. I reserve it.

Mr. Sergeant *Heron*.—Did you report a land meeting at Dunmanway, county Cork, on the 30th May, 1880?—Yes.

Is this printed copy a transcript of your notes of that meeting?—Yes.

You reported as accurately as you could?—Yes.

Was Mr. Boyton, one of the traversers, there?—Yes.

Who was in the chair?—Mr. T. Fuller.

Begin at the commencement of Mr. Boyton's speech, page 2?—(*Witness* reads)—Mr. Boyton who was received with cheers, said,—"Men of rebel Cork (cheers.) I wish you to know the nature of a little discussion that has taken place on this platform. We have permitted, as a matter of courtesy, a Government reporter to stand on this platform, because we are desirous of educating the Government as well as educating you."

Go on to line 30?—(*Witness* reads)—"In response to an invitation sent to the executive of the Irish National Land League in Dublin I appear here to-day to tell the men of rebel Cork what the principles and the objects of the Irish National Land League are, to tell you why and wherefore we have set on foot a movement in Ireland to demand from our rulers a redress of our grievances, and that in a

constitutional manner (hear, hear.) It is scarcely six months to-day since the Irish National Land League was conceived and organised. Your brothers away on the bleak hillsides of Mayo, some twelve months ago, could stand the pinch no longer, and they assembled, as you have done here to day, in public meeting to say we have nothing more to lose, and now will tell you what we mean to do. We are going to ask to be left here on the soil that God created, and created for us as much as he created the air we breathe or the water we drink (hear, hear), and to tell you in thunder tones that we consider our God-given rights and not the right the law gives us (bravo). Men of Cork, I thank God, who has given me the ability, and who has afforded me an opportunity of coming here to-day to meet you Corkmen, for the first time in my life, face to face (voice—'you are welcome'), (another voice—'we want some one to head us')"

Go to the next page, line 29, beginning, "We see in this agitation?" —(*Witness* reads)—"We see in this agitation for the first time that we are grasping at realities and not at shadows. Which of you here present can tell me what is Emancipation? What is Repeal? What is Home Rule, or any of them? And what would they benefit you if you had them and be in the position you are now in. (Voice 'Nothing.') We are beginning at the bottom to root the people in the soil that God has given them (hear, hear). There are gentlemen who claim that they have a right to come between you and God. (A voice, 'No one.') This is our creed, and in preaching this creed I want you, men of Cork and Ireland, to know that we are preaching no sectarianism, no Protestantism, and no Catholicity. We are preaching Christianity and humanity in its purest form (hear, hear). Side by side on our platform we have men of every creed and religion in Ireland. We have men whose honesty has conquered their traditional prejudices—men who are honest in their resolve to put the people right (voice—'That's the way to do it'). Whether they can or not remains with you; with you at their back, they can achieve more than they are asking for, and if you fail we must lose our footing, as every honest Irishman lost, and we must go into the earth (a voice—'O'Donovan Rossa,' and cheers). Whether we are forced to the scaffold or allowed to rot in the gaols of England or Australia, this is, I believe, the first baptism of a newborn organization in great, glorious, and preeminently patriotic Cork."

Go to page 6, the last paragraph in the speech, commencing at line 5?—(*Witness* reads).—"God Almighty never made a king or queen, or earl, or marquis, no more than he made a policeman or a Government reporter (laughter). It is true there are men who may be either physically or morally superior, but every one of them has but one soul to be saved. I want you to know the duties he placed upon you. Teach your children the doctrine that they must be workers. I would also say to the farm labourers, 'If you stick to us those who are farm labourers to-day will be farmers in a couple of years' (cheers). You have heard our creed, and our motto is 'Land and labour.' Land for the people; do wrong to no man or his interests, but justice before God above all and for all. I have detained you too long, but you can thank yourselves (voices, 'You are welcome') for having heard me so patiently. There was a little story told by Mr. Parnell, at a meeting in the Rotundo, at the conclusion of his address, to the effect that a certain American gentleman came upon the platform and said 'Parnell, there is twenty-five dollars, five for bread and twenty for lead.' Now that simple little bit of humour has put your hereditary enemy in a great

flutter. Therefore, I am not authorised by the President of the Irish National Land League to tell you that that was a *bona fide* transaction, that the man gave him twenty-five dollars. I am authorised to tell you here, and I came all the way down to Dunmanway, that those twenty dollars are perfectly safe."

Mr. Sergeant *Heron.*—20,000 what?—£20,000 or 20,000 dollars. I cannot say which. (*Witness* continues to read)—"And that as Mr. Forster, in the House of Commons on Friday night, refused to tell your representatives what he was going to do with the £30,000 of Secret Service money, and that he has displayed admirable retience in doing so. We, in like manner, are not going to tell Mr. Forster what we are going to do with the 20 dollars that has since swelled into 20,000.—The money gives 4 or 5 per cent. interest on it, and we are turning it into good round sovereigns, with the imprint of Her Most Gracious Majesty upon them. Therefore I ask you in the name of God, in the name of every honest Irishman, in the name of your long suffering country, to stick together like brothers, one and all. If you show us evidence that you are in earnest to help us, and take a share in this 20 dollars by showing us that you will stand together."

You may as well finish the remainder of it?—(*Witness* reads)—"Daniel O'Connell never had half such a following on Tara or Mullaghmast as our illustrious young leader, Charles Stewart Parnell —(cheers)—and I tell you that if you stick together you will see that this assemblage will be historical in the county of Cork. You will stand together for peasant proprietary for Ireland (cheers). We have at the back of that more than great agitators had before. We have moral force, and we are going to use it; and, perhaps, we have something in the shape of physical force, but we don't want to use it. We may some day come down and see you, and talk about something else (cheers)."

Cross-examined by Mr. *S. Walker.*

Have you Mr. John O'Brien's speech at that meeting?—Yes; I have.

It is very short, I believe?—Yes.

Read it?—(*Witness* reads)—"Mr. John O'Brien said—'Men of Dunmanway, I wish I was a greater orator to speak of our mission here; but the objects of the Land League in Dublin and in Ireland have been so definitely put before you by Mr. Boyton, of Dublin, that little remains to be said by me. Our Cork branch is the same as the Dublin branch, and when we come down here we feel it to be our duty to establish a branch of it here, as we intend to do in every town and district in the county. We have cases of hardship placed before our League which would almost bring a tear from any man (voice—'You will have more of them')."

Stop there, and begin with the words—"We have a case of hardship before our Cork branch at present"?—(*Witness* reads)—"We have a case of hardship before our Cork branch at present where the poor man is paying double the valuation, and he has been paying that for the last twenty years, working from four o'clock in the morning until eight o'clock at night, and he has deprived himself of the ordinary necessaries of life, and he is not able to pay that rackrent, and his landlord refuses to make any reduction, and he is not able to hold it any longer; and after his twenty years' penal servitude, which he has been suffering, he is now refused a fair settlement, and the landlord says, 'I don't want you any longer.' When we see those cases

brought before us, we say that something must be done to prevent it, and to alleviate the sufferings of our fellow men. We see passing through the streets of Cork fine stalwart men, who will yet enrich any land they go to."

You see that portion of Mr. Boyton's speech where Mr. Boyton held in his hand three papers, which he said were processes of ejectment?—Yes. (*Witness* reads)—"He continued—These things are scattered broadcast over the west of Ireland, and they will come down here by-and-by like snow flakes. You want something to protect you from the storm. We have sufficient funds to protect you, but we have not one farthing for rent, and the sooner you understand that the better. I myself live in a thatched cabin, and that one room which I occupy in that cabin when I say my prayers in the morning I can look on the walls of that room which I have papered with these things (referring to the ejectments), and every single one of them have been thrown out of court for being improperly filled."

Cross-examined by Mr. *L. Dillon.*

Go to page 4 of Mr. Boyton's speech, line 29, "I tell my Catholic fellow-countrymen"?—(*Witness* reads)—"I tell my Catholic fellow-countrymen that the National Land League of Ireland was conceived and originated by a Catholic priest (cheers for him). I will tell you the first origin of the League. It was originated for the purpose of saving those suffering Irish people who were threatened with the gaunt wolf of famine, and for saving them from another wolf no less ravenous, the she wolf that gave birth to that wolf of landlordism (cheers). At a meeting held in the Imperial Hotel in Dublin on the 26th October last, scarcely twelve months ago, the Rev. Father Behan, a true and patriotic priest, proposed, and Mr. Dillon seconded, that an association be formed to be named the Irish National Land League (cheers). Therefore you see we began with one of God's ordained ministers from the steps of the altar. He proposes that the objects of the League are these, which I will repeat for the information of the British Government, and for the information of the patriotic people of Cork. First, to bring about a reduction of rack-rents. Now you can tell any man who says that that is contrary to the spirit of Christianity or humanity, that he lies. (A voice, 'So he does.') Secondly, to facilitate the ownership in the soil by occupiers. These are the published open and above board principles of the Land League, and the man who tells you that (There is a break there) in expounding these principles, is trying to come between you and Catholic Ireland (cheers). Irishmen will have their faith first and their country next. Any man who tells you that we are trying to bring over Continental revolution to this country, that man is doing the work of the enemy. We are not Revolutionists, we are not Communists, Nihilists, or any other 'ists, but we are Irishmen resolved to take from the grip of our enemy's right hand that blackthorn stick with which he is knocking us down, landlordism. (A voice, 'We will take the stick from it and knock it down).'"

Mr. Sergeant *Heron.*—Did you report a land meeting at Mountirvine, county Sligo, on the 6th June?—Yes.

Did a person named Sheridan speak there?—Yes.

Was Mr. Matthew Harris there?—Yes.

And Mr. M. O'Sullivan?—Yes.

Go to page 6, line 24, of Mr. P. J. Sheridan's speech?—(*Witness* reads)—"Now, my friends, the Irish National Land League is

well represented here to-day (cheers for them), and I will not be trespassing too much on your time and detaining these gentlemen from expressing to you the feelings of their generous hearts; but before retiring, my friends, I would wish to say one word about this Peace Preservation Act that has died a natural death."

I would wish to say one or two words and give you one advice from this platform. I wish you all to know that from the 1st of June you can carry and keep arms of every sort (cheers.) Now, my friends, there are some of you who have a natural taste for keeping a gun in your places, and being so long deprived of the right to keep arms, very probably you will be going to purchase arms to take into your house for to use occasionally to shoot at game. You must recollect that it is for this you have them. Some young men may be foolish enough to be using them for other purposes, and they will be caught by the police, who will come round to search for poteen or something else. If any of you do anything like that, you will be the cause of the Government putting this Act in force again, and the arms will be taken up, and you will be left without your arms or the money you purchased them with. Proceed in the same quiet discreet way that you always have done, and there is plenty to occupy your time besides looking for arms. Just mind your business; the state of the country is enough to occupy your time."

That will do. Now, did Mr. Matthew Harris speak at that meeting? —He did.

Will you go to his speech at page 7, and commence at line 27, "It is a very lamentable thing to think that so many people formed after God's own likeness?"—(*Witness* reads)—"It is a very lamentable thing to think that so many people formed after God's own likeness should be looking to any class to lead them to freedom. After all, gentlemen, your own emancipation rests upon your own self-reliance and harmony which should rest with the people themselves. Without that the efforts of Mr. Parnell, Mr. Davitt, or anybody else, would be literally worthless. It is not enough that you should exult in saving yourselves and living. While trying to raise yourselves you have also to try and crush down your enemy, you may ask me who are those enemies, the landocracy and beastocracy of the country and you have amongst yourselves vile bad men who like vultures are moving about watching every poor man who is in distress (a voice: Farrell Cawley), who day by day and month after month hunts bailiffs and landlords to ascertain who was the last poor man who had fallen, to know when it will be in their power to pounce upon him. We are here to-day to protest against this class of men and there is no language that I could use would be strong enough for these men to denounce them? until you drive this class of men from society you can never say that we have a wholesome state of public opinion in Ireland (cheers). How are we to do all this? You are aware of the policy that Mr. Parnell has already told you there is only one way, and that is by non-payment of unjust rents, and in the years that is passed an unjust rent is any rent that the poor industrious man has to pay the landlord, and all that to be spent in luxury and idleness. You will not be able to refuse paying rents except you combine together, then you will be able to make a strike against rents or unjust rents. I don't agree with my friend Mr. Gayer when he spoke of peace, but I think the platform is not the place to declare war against England, and we should remember that Isaac Butt, the great constitutional leader, declared that this country, enslaved as it is, is outside the benefits of the constitution, and if you want proofs of that you will find that the constitution has restored to us

one day what it has taken from us another, and you will find that the Government of this country had some object in the repeal of this Peace Preservation Act. They deprived me of my arms and never restored them to me——"

Stop there, please; and now will you go on, on the same page, to line 38 —"Now I would warn you particularly against some of those who, like Mr. Shaw"?—I have lost the word "particularly" and also the words "some of those."

Read on then?—(*Witness* reads)—"Now I would warn you against some who like Mr. Shaw and Mr. Mitchell-Henry, M.P.'s, who, whenever a proposition is put forward by such men as Mr. Parnell, will raise the cry of revolution and confiscation. Now the people are beginning to see that it is not landlordism alone they have to contend with. We are characterised as Communists in this country, but who are the communists? They are men who have sent millions and millions of our people from our land, these are the men that should be crushed and put down. I do not like there should be any misapprehension as to what I am saying, but what I say is this, peasant proprietary in this country is the only thing than can ever satisfy the people. The Government has money enough, and let them pay these men for leaving their land, and you will assist one another in blotting out for ever that terrible vile landlordism—('Down with it') —and if you don't eradicate it root and branch your children and their children will have the same task before them that you have to-day."

Sergeant *Heron*.—That is all I ask you about this meeting.

Cross-examined by Mr. *M'Laughlin*.

Just go on, if you please and complete that speech—or read a dozen lines more?—(*Witness* reads)—"I have already detained you too long. If we adhered to the golden rule and do to others as we would be willing they should do unto us, we would not need being here to-day. I think, gentlemen, it is not fair to go up to the landlords and say, give me 25 per cent. reduction in my rent. No man has a right to claim it unless he is certain to get it, and unless he happens to be paying an exorbitant rent."

That will do. Now, did you quite understand the effect of Sergeant Heron's question when he asked you were you a verbatim shorthand reporter?—He did not ask me that.

He did not?—No.

I thought he did, but no matter. See, would you undertake to say that you would take an average speaker, without having slips or gaps? —Yes, if I had fair play.

That is, if you had time enough, I suppose?—No.

Well, if you had your coat off?—No.

Now, don't you know that you could not. I see that you purport to report Mr. Sheridan, my client. Did you?—Yes; what I heard of his speech.

Don't be offended at me. I am only doing my duty, you know. I suppose you have reported him more than once?—Yes.

And I suppose that he is a speaker like any other speaker?—Yes.

So I thought, an average speaker. Have you reported Mr. Harris more than once?—Yes.

And Mr. Parnell also?—Yes.

Then you have had experience. On this occasion how long did Mr. Sheridan speak?—I could not say.

Oh, guess—come as near to it as you can?—I could not make a guess.

Do you think you have much more than a half of what he said here—now, honestly, have you?—I don't know.

You don't know?—No.

But if you don't know, how can I be expected to know—tell me, did you ever say to anybody, I will give you the name presently, that Mr. Sheridan was a man you could not report at all?—He does go too fast for me.

Didn't you tell me that he was an average speaker a little time ago?—No; I mean to say if I got fair play I could report an average speaker.

What do you mean by fair play?—Well, sitting at a table, and not standing in a crowd, and being pushed about.

And were you so circumstanced—standing in a crowd and pushed about, when you took this speech?—Yes, I was on the platform, which was very crowded.

And the platforms fall occasionally?—Never, at any meeting I attended.

Did you tell Mr. Sheridan what I made the subject of my question—that he went too fast for you?—Never.

Were you ever talking to him at all?—Yes, several times.

I believe he was very courteous to you?—Yes, very.

Have you come across Nally at all?—Yes.

He is even more courteous?—I don't know that he is.

More attentive to the police?—Well, not *more* attentive.

At all events they both gave you the best accommodation they could?—Yes.

And still you were not able to take more than half the speech?—I don't know about that.

If you don't know, how can I tell?—I did not say that, at all events.

How many meetings did you attend altogether?—Oh, I could not say.

A dozen, I suppose?—Oh, yes, and more.

In various parts of Ireland?—Yes.

This is the first time you have ever been examined as a reporter, I think?—Yes.

Cross-examined by Mr. *A. M. Sullivan.*

Would you let me see your note-book, if you please?—Which one, sir?

The one of this meeting?—Of Mount Irvine?

Yes, Mount Irvine?—Yes (produces note-book).

Show me where the meeting begins in that, Keaveney?—(Witness points to place).

Now, I understood you to say that you could have taken the better part of this meeting if you had had fair play?—Yes.

And had not been knocked about and interrupted?—Yes.

Then you lost something?—Oh, yes.

By having been knocked about and interrupted?—Yes—I am sure I did.

Will your notes show where you were interrupted?—Yes, they will. There are crosses at several places you will see.

Yes, so I see; about what proportion of the speeches do you think you took; did you take three-fourths of what they said?—I could not say.

One-half?—I could not tell.

One-fourth?—Well, I am sure I took more than a fourth.

Well, something between a fourth and seven-eighths. When did you begin writing shorthand?—About eighteen months ago.

Mr. *Sullivan.*—That is all I have to ask you.

Sergeant *Heron.*—Now, did you report the Land meeting held at Killasser, in the county of Mayo, on the 13th June, 1880?—Yes.

As regards that meeting. Where was it held, tell what the people said about an evicted holding?—I heard it was held on an evicted holding.

In sight of the house?—Yes, I saw a house myself, but I could not say whether it was the evicted house or not.

Of course not, but that is what was said at the meeting?—Yes.

Was it held in a field?—Yes.

And was there a platform?—There was.

Now, in sight of this house the meeting was held—how did the people come to the meeting?—They formed into a body at Killasser Chapel, about half a mile from the field—they formed in a body, and marched into the field, I think, four deep.

Very well. About how many people were at the meeting?—I should say about a couple of thousand.

Now, when they were marching were there any banners with inscriptions?—I will see (refers to notebook)—Yes. I have a note of two.

Tell the jury what they were?—One was "Down with the land robbers—the land for the people," and the other had a portrait of Robert Emmet, with the words, "We'll write this epitaph" underneath. That is all the banners I saw.

Now, was Mr. John W. Walsh, one of the traversers at that meeting?—Yes.

Had you any difficulty at that meeting in reporting?—Well, not much.

Very well. Now, will you go to his speech at page 10 of the printed report, and read the commencement of it?—Yes—(*Witness* reads):—"Reverend and worthy chairman, and fellow countrymen, after the very able speeches which has been delivered by the gentlemen who has preceded me here to-day, I feel it would not be fair for me to detain you any great length. Nevertheless, one who has stood shoulder to shoulder with Michael Davitt (cheers), John J. Louden (cheers), I feel it my duty to be present here to-day (cheers) to raise my humble voice in condemnation of that vicious system which has permitted twenty-eight of God's creatures to be thrown out like leprous dogs to die on the roadside (groans.) It will not do you to say you have gone to such meetings, what you are to speak is what you intend to do for the next twelve months, and I, for one, as an humble worker, will join with the humblest tenant-farmer in trying to put an end to landlordism. The land belongs to the people; it is their God-given right, and no man has a right to interfere with it. You will stick together as one man and show a bold front to the enemy by not taking a farm from which another has been evicted. I was passing by Claremorris the other day in company with Mr. Biggar, M.P., for Cavan, and some other gentlemen, and I was pleased to see in the corner of the field a sign board, and on the sign board was written, 'Let no man take this land.' That farm is in the hands of Father Corbett, the patriotic Soggarth Aroon. I tell you an instance,"—(I have lost some there.)—"where that land robber has strewn broken glass on the road to prevent the children from taking their breakfasts to their fathers."—(That sentence is broken.)—(Voice—'Ormsby.') I would wish to point out to you, fellow countrymen, as I have tried to do for the last twelve months, that victory is yours if you only be combined. What's the use of all your bands and banners if amongst you be found traitors who will

sell you for a mess of pottage? If such a man should be found in your midst don't sell to him, look upon him with scorn as an unclean thing. If you do that you will put an end to rackrenting.—(There is something lost there.)—M'Gloin, you will put an end to sending Irishmen with begging box in hand, seeking for aid that has been denied them by the powers that be. Let any man consider himself sitting at his own fireside, he has no trouble, and the land-robber comes to him to-morrow and says, get out, this is my property. You find the fire on your hearthstone quenched, and yourself dispossessed. What would be the feelings of any father under such circumstances? Are you going to stand by and see those thrown on the roadside? Let each and every man of you make as much of this land as he can. We will be told here to-day that we are speaking too strong and we are making a bad impression now when we look around and see these scenes that I have seen in Roscommon within the last fortnight. I saw on one property belonging to Mrs. O'Connor, I saw sixty-five of God's creatures thrown out on the roadside—old women eighty-two years old and infants three weeks old. She tried to extract rent which they were not able to pay. I found pawn tickets which were for a sheet, a blanket, and so forth (a voice, 'Put that down, Stringer'). Are you prepared to see your sons and daughters going to the railway stations on their way to the backwoods of America, people which you will never see again? If you study history for the last seven hundred years you will find that the objects of the English Government have been to destroy and rout out the Irish race. Let each and everyone of you which I see around me join the Land League under the leadership of Charles Stewart Parnell (cheers). If you do that you will be blessed, and your children's children will bless you for having achieved this victory. If you support the Land League and its programme, within a very short time you will have what you expect. I wish to see the ticket of the Irish National Land League in the hat of every man who has been enrolled a member; wear them in your hats, and then you can be recognised as friendly brothers (a voice—'Now, my boys'), (another voice—'Put that down, Stringer'). And the man who has not a ticket in his hat will be soon forced to go and get one. I have detained you too long. I think it only right to refer to a speech the Chief Secretary made a short time ago in the House of Commons—(well, I lost it there again)—I tell you, if he visited the place evicted by Mrs. O'Connor, he would soon learn the land system. Join yourselves in the Irish National Land League, and become brothers, and that no one amongst you will be found to be a traitor to the interests of the people (cheers)."

Sergeant *Heron*.—That is all I ask you about this meeting.

Cross-examined by Mr. *O'Brien*.

Tell me, do you know who was the chairman of the meeting?—Yes.

What was his name?—Father O'Hara.

Very well; did he make a speech there?—Yes.

Let me look at the report for a few moments (print handed to counsel)—Look here (at placed marked), just begin there—"At each of these meetings, my friends," and read on for a bit?—(*Witness* reads)—"At each of these meetings, my friends, a solemn protest is made against rack-rents and heartless evictions. The unjust dealings between landlord and tenant (groans for the landlord) is brought to light, and exposed before the whole world, and so well have these been done before this, that they have gained the sympathy of the great Re-

public of the West (cheers). My friends, who is there, but a few, who would witness an Irish eviction scene or hear it described without being moved to sympathy. Look at that old man with his seven or eight orphans, years of great distress come upon them and the country. The rack-rent, double the Government valuation, that had been screwed out of him, he is no longer able to pay (voice—'Oh! Good God—landlordism, down with it'). The poor man goes and begs for time, he begs for a fair rent, but no quarter for him. No entreaty is of any avail. The good years of prosperity are not allowed to come round for him. The bailiffs come, the process-server comes, and after that the ejectment decrees, the Sheriff with police, rifle in hand, turn him out on the world, but what is to become of his poor little ones? Hear their cries. They are left on the way-side to starve, or beg, or go to the workhouse. But, my friends, hold on, have courage, remember those accursed laws cannot last for ever, those unnatural laws must come to an end some day or another."

Very good; that will do for that.—Now was there a resolution passed there, moved by the Rev. Mr. Bowler?—Yes, I think there was (refers to notes). Yes, there was.

Was he a priest—did he appear to be a Catholic clergyman?—Yes, he was a priest.

Were there other priests there, do you know?—I did not see any but Father O'Hara and him.

Father O'Hara and he—very good. That is all I ask you.

The *Attorney-General.*—I don't know whether your lordships would think it too early to adjourn now? The next meeting is a rather long one; but we are prepared to go on if your lordships think right.

Mr. Justice FITZGERALD.—We will adjourn until to-morrow morning.

The *Attorney-General.*—I don't know whether your lordships have come to any conclusion about what you will do on Saturday?

Mr. Justice FITZGERALD.—Not as yet; it will altogether depend upon the progress made.

The Court then adjourned to next day at eleven o'clock.

NINTH DAY—FRIDAY, JANUARY 7, 1881.

The Court sat shortly after 11 o'clock.

Sub-Constable THOMAS KEAVENEY, R.I.C., sworn and examined.

Sergeant *Heron.*—Constable Keaveney, did you attend and report the Land League meeting at Keadue, in the County Roscommon, on Sunday, the 8th of August, 1880?—I did.

Were Thomas Brennan and Patrick J. Sheridan, two of the traversers, at that meeting?—They were.

Go to the speeches of Brennan and Sheridan. Who was in the chair?—Mr. James Cull.

How many people were present?—I suppose about 3000.

Will you go to the speech of Mr. Thomas Brennan, the traverser, at page 3. Read from the commencement of the speech?—(*Witness* reads)—"Mr. Chairman and fellow countrymen, in coming here to-day and travelling through the county of Leitrim, I was thinking that the last time I had the honour of addressing the men of that county it was when the then Government of England brought me to Carrick-on-Shannon to answer to the charge of having used wicked, seditious, and malicious language (voice—'Which they could not prove'). Yes. We did use seditious language against the power of landlordism, which had so long crushed the people (groans), and please God we will continue to use seditious language and be guilty of seditious acts against the system that degrades labour and ennobles idleness (hear, hear), until that sedition against landlordism shall ripen into revolution against landlordism, and the whole infernal system go down before the might of Ireland's awakened manhood (a voice—'Bravo')." Mr. Brennan—"We want to create a social revolution in Ireland. I do not mean a bloody revolution. Blood enough has been shed already, the blood of a couple of millions of our people, by Irish landlordism (groans). But we want an uprising of all that is just, and manly, and patriotic in the country against the system that has been robbing and plundering you. Yes, Irish landlords have been robbing and plundering you from your cradles. They have been robbing you of your birthright in the land, and they have been robbing you of that independence which should raise men above the dumb driven cattle that the American poet asks us not to be. From the time you are able to handle the spade you have been working for the benefit of the landlords; you have been working when you should have been cultivating your minds and preparing to take a creditable part in life's battle; you have been working in order to supply yourselves with the mere necessaries of life, and supply the idler with the luxuries. And worse than all, you were taught that it was your duty to do this. You were taught that God created you merely to work and starve, and to be as slaves to men who are inferior to you in everything but what the world calls birth (cheers)."

Stop there. Now go to the next page—page 4, line 7. Before you go on, go to line 45 of page 3—"This land that you treated?"—(*Witness* reads)—"This land that you treated is yours. You have as much right to that land as you have to the free air of heaven, and any man that comes forward to take from you the fruits of that land you should treat him as a robber and a plunderer (cheers). The work of education must go on until the humblest peasant—I do not like that word peasant—

until the humblest labourer in the country shall recognize that he was born with the same rights as the peer (cheers), and that it is an insult to the God who made him, and that it is sedition against the law of Heaven to acknowledge any heap of clay as his master. If you want to attain your rights you must act in an independent manner; there must be no begging; you must act with a manliness that will strike terror into the hearts of the enemies of the people. We have evidence offered by every country in the world of what a determined democracy can do. And we want that democracy in Ireland. And by the democracy of the country, I mean every man that works and who lives on his own earnings, and not on the earnings of others, and it is his interest to combine against the class that has taken the nation's wealth away, and given nothing in return, who unjustly takes your earnings, and lives in idleness upon your industry. We can say to it, as the great modern poet said, as Shelly said of his own countrymen—'They rob you of the seed you sow, they take the wealth you have; they wear the web you weave, and bear the arms you forge.' Now we want you to keep the seed you sow, to keep the wealth you have, to wear the robes you weave, and bear the arms you forge (cheers). I am not going to tell you that this can be easily accomplished. This revolution cannot be worked in a day; but it will take time and labour to upset the state of things which slavery has produced. No great reform has ever been carried without sacrifices. You must be prepared to make sacrifices, even great sacrifices, to rid this country from the power of Irish landlordism (voice, 'It is time to stamp it out')." Mr. Brennan—" You must strike that system everywhere it rises its unholy head. The landlords are entering into a conspiracy against your rights, and you must enter into a conspiracy against their power; but you cannot have that conspiracy until you have organization. The men of every parish must be thoroughly organized and ready to act as one man, and then let the word go forward in a general strike against rents until the question is settled (cheers). We have up to this advised you not to pay an exorbitant rent. We may soon ask you not to pay rent at all (cheers). Until you bring the landlords to their knees then you will soon settle the question. You are not bound to pay what your farms cannot produce. The battle ground of this social movement is not, I believe, in the English House of Commons, but on Irish hills and Irish fields, in Irish cabins and Irish workshops (cheers)."

Stop there.

Mr. *M'Laughlin.*—That is the middle of a sentence. You may as well complete the sentence.

Sergeant *Heron.*—It is complete.

Mr. *M'Laughlin.*—It is not, with great respect.

Witness.—Will I read it?

Sergeant *Heron.*—Read it.

Mr. *M'Laughlin.*—I protest against that, my lord, as being very inconvenient—stopping in the middle of a sentence.

Mr. Justice BARRY.—Mr. Heron has asked the witness to read it.

Mr. *M'Laughlin.*—I beg your pardon, my lord.

(*Witness* continues to read)—" And I believe that your representatives would much more serve the cause of the people by coming down amongst their constituents to teach them their rights and how to assert them than walking around the streets of London or writing essays for the English periodicals (voice—'We will let the lords know their duty')."

Sergeant *Heron.*—Go to line 49—" There must be no flagging"?—(*Wit-*

ness reads)—" There must be no flagging now in this movement. Everywhere the voice of the people must go up, demanding the abolition of Irish landlordism, the light must be let in on those dark deeds, every act of landlord oppression—and God knows they are many—must be made known in your district; communicate with the Land League and give them full particulars of the facts, but give nothing but what will stand the test of investigation, and we will take care that it will get the best consideration. This is a movement for the people's benefit, and you should not be waiting for what you call leaders to do your own work. If a burglar comes to rob you, you don't go for a member of Parliament to kick him out (laughter). No, you go for his throat; and that is what we want you to do for the system that is robbing you, and the result of your efforts will be the national and social regeneration of your country. It has been used as an argument against us that if you make Irish farmers prosperous they will forget their right to national independence. I think it is more likely that they will—(I have lost something here)—when they are well fed and clad, and when they are engaged in keeping off the spectre of famine from their thresholds. God forbid that we will ever forget to make Ireland a nation; and when I say Ireland a nation, I mean more than a green flag floating from Dublin Castle, I mean Ireland for the Irish; if the Government of Ireland—(I have lost some here)—I would be found in rebellion against it. Most of us here will agree that the highest form of government is a republic. Well, you may establish an Irish Republic on Irish soil, but as long as the tillers of that soil is forced to support a class, your Irish Republic would be but a mockery of freedom (cheers). This land of Ireland is yours; the fruits that this land is now producing is yours; you have nourished it with your support and you have nourished it with your strong right arms, and you should take care that no robber will be allowed to steal away those fruits from you (cheers)."

Go to the speech of Mr. Patrick J. Sheridan, one of the traversers, at page 8?—I have it.

Begin at the commencement of the speech?—(*Witness* reads)—" Mr. Chairman and fellow-countrymen, the first impression the men of Leitrim made upon me was a lasting one, and to-day you have framed in my mind not only that impression, but you have caused me to make room for another. We have to try and assist in every means in our power in putting an end to landlordism. Since I last met you there have been several branches of the Land League scattered over the country. They are in an excellent state of organization, and if they form a nucleus of all, you will find it will be of use to us. The resolution which I have been honoured to support is new on the platform, it asks you to hold your crops and not surrender them to your landlords. Landlordism, which not only threatens to rob you of your crops, but of your very existence, and the tenant farmer who refuses to join us, is only one hair better than the landlord; if such a man can be found he is destroying all the means by which his neighbours are trying to find a home in the land of their birth. The resolution says it is absolutely necessary to stick to your harvests; landlordism will take advantage of the occasion lost in refusing the Bill which has been sent up from the Lower House. Who are those lords? They are all that you should detest. They are the personification of idleness who spend the wealth you gather (groans). Thus, my fellow countrymen, I ask you to pledge yourselves to this resolution and to sustain it by sticking to your harvests. Yield them to nobody. My fellow countrymen, there is one other fact which comes very prominently before us, individual landlords

are resolved on taking our places, they have done this in Roscommon, and I am glad to hear that there was energy and resolution there, and patriotism enough to show that they should not be evicted in the noonday for one year's rent. The sheriff and a posse of police evicted sixty persons who were thrown on the world for non-payment of one year's rent, and on this property there was no running gale. They were evicted for one half year's rent. The landlady is Mrs. Lambert, of Dublin. The gentleman who is receiver on that property, when last he asked for rent, he gave two shillings in the pound reduction, and what did she tell him? 'You had better allow me that money; I won't allow that.' On this property I have taken down the rents and valuation, and the rents were fifty per cent. over the Government valuation. ('Oh!') Well, fellow-countrymen, you need not wonder if you can form any judgment of their acts. I accompanied the sheriff from house to house, and a more heartrending spectacle I never witnessed. I want you to remember these facts. It is absolutely necessary that notice should be served on the relieving officer who will communicate to the next workhouse, where there will be food got for those people. The result was in this case that no notice was served, and the people did not know any eviction was about to take place, and at the time the eviction took place the people were gathering in their thousands two miles away, from the surrounding districts. If such another course as this be attempted by any officer of the law, let your arrangements be :—Away to the chapel bells and church bells when the eviction is to take place; let there be horns in every parish; let men and women assemble there and keep the people in their homesteads, and the Legislature will see that it is necessary to act in conformity with those ideas. We are the people; we are the nation; we are the strength and material that constitutes the nation, and are we going to be trampled on like worms? The people are determined that they shall be no longer what they have been in the past. They must stand fearlessly before their fellow men and declare that they will be no longer slaves. In order to do this it is absolutely necessary that you should be united, and that organization should be amongst you. In every parish let there be a branch of the Land League, and I have little fear that the present generation will live to see themselves rooted in the soil that they have watered with the sweat of their brows (cheers). Let Protestant and Catholic unite in one common bond of friendship to serve their country, because it is our common cause. Grasp your Protestant brother by the hand, and we will present such a front as the rockbound coast of Ireland to the beating Atlantic wave (cheers.)"

Mr. *M'Laughlin*.—Now, would you look to page 3, if you please. You stopped at line 30—"But what the world calls birth (cheers)"; and then you took up at line 45 (laughter)?—Yes.

Now read the intermediate part?—(*Witness* reads)—"You are taught that it was a sin to murmur against your poverty or strike at the cause of it. You are taught to stand with uncovered heads in the presence of your landlord and his baliffs, and even to bend the knee to his lordship (cheers). I have seen it with humiliation for my country. I have seen even women bend the knee as some brainless lordling passed by. I have seen some time ago at a railway station in the west of Ireland a poor old man nearly eighty years of age stand trembling in the presence of his landlord. His hat was off, it was snowing at the time, and the cold snow was falling on the old man's bare head, and the landlord never even told him that he might put on his hat (groans). Yet this man was, and is considered what is called a good landlord, which only goes

to prove that though some of them may not use all their power, they all wish to have it; and though they may not bite, they all wish to have the teeth. We want to draw the fangs and leave the animals harmless (laughter)."

Very well. Will you look, if you please, at page 4. You read down to line 39, "A Voice—We will let the lords know their duty," and then you took up at line 49. Now read the intermediate part, "Mr. Brennan.—Yes, as my friend remarks?"—(*Witness* reads)—"Mr. Brennan.—Yes, as my friend remarks, within the last few days that aristocratic assemblv by which Mr. Frank Hugh O'Donnell is so enamoured has thrown out the Compensation for Disturbance Bill introduced by Mr. Forster. I think we ought to be very much obliged to these worthy citizens, and I do not know whether we will pass a vote of thanks to them here to-day. Hereditary statesmen are not always remarkable for their precision, but certainly I did not imagine that their lordships would play so directly into our hands, for every action of this kind but rouses the people, and I have no doubt but that these gentlemen have created a flame for the destruction of their own political and social power (cheers)."

Stop there. You have read the rest?—Yes.

That is all.

Re-examined by Sergeant *Heron.*

Did you attend and report the Land League meeting at Manorhamilton?—I did.

In the county Leitrim, on the 29th August, 1880. Who was in the chair?—Mr. John Cullinan.

About how many people were present?—There were about 3,000 or 4,000.

Now, would you find the first resolution that was proposed?—Yes.

Read it, please?—(*Witness* reads)—"Resolved: That we, assembled here in our tens of thousands, pledge ourselves not to take a farm from which a tenant has been evicted or surrendered on account of his inability to pay rent."

Did a Mr. Jasper Tully speak at that meeting?—Yes.

Will you go to his speech on page 3, and commence at line 47—"We want a division of the land amongst the masses of the country."?—(*Witness* reads)—"We want a division of the land amongst the masses of the country. We want also to sweep away the iniquitous laws of entail and primogeniture. The landlords are proof against reason and argument. They are clutching like the drowning man to the slightest shred of their monstrous privileges. The House of Lords threw out the Compensation for Disturbance Bill (boos and groans). I did not attach much myself to that. I rather think we should be thankful to the House of Lords, because they have played into our hands. This cause will not be fought in Parliament; Parliament will be of little use until you put yourselves in such a position to dictate to Parliament. Don't be waiting for leaders, this cause must be fought out on every hearthstone and hillside of this country. Fellow countrymen, we are bringing landlordism to its knees, and we mean to choke it. We will cut off the supplies, and I hope you will do as the men of Roscommon did last Sunday, to pledge yourselves to pay no rent pending the solution of this land question. We mean to starve the landlords into submission. Let the landlord evict any of you; who will take your farm? Let him seize your goods, who will buy? Nobody. You have the landlords at your mercy if you are only organized. The landlords have been unreason-

able; we mean to meet them with their own weapons and starve them-out. Fellow countrymen, I have only in conclusion to ask you to unite and organise, your common country appeals to you and let me trust that you will soon be in a position to sweep away the infamous huge blasphemy, Irish landlordism."

Now go to Mr. Burke's, of Coollooneys, speech?—I have it, sir.

And go to line 28, "Harry the Eighth spent his whole lifetime"?—(*Witness* reads)—"Harry the Eighth spent his whole lifetime in persecuting the people; but he is gone and I won't say where, but I hope an Irishman will never be in his company (laughter). Elizabeth, she is gone too to keep company with her holy father, Harry the Eighth. Oliver Cromwell persecuted and murdered the Irish people. James the Second, he is gone, the murderer of beautiful Catholic Mary Queen of Scots."

Go on to the speech made by Mr. Patrick J. Sheridan, one of the traversers, page 6, line 13, and read from, "It is absolutely necessary that you must act like one man in this business"?—(*Witness* reads)—"It is absolutely necessary that you must act like one man in this business. If on a property one man goes and pays his rent, and two men stop at home, that is not the way to do it. Let no man pay any rent until the Imperial Parliament says what you are to do. You are already mulcted out of rents which your land was not worth; you have been robbed by a band of land thieves. You improved their properties while they take away your hard earnings and spend them, God knows how. If a neighbour was evicted there were too many of you to go behind his back and look for his holding, but the day is gone for land grabbing. Anywhere a landlord evicts a man from his home, let no man dare to herd it. If any wretch should be low enough to do so, whether it be at the church or chapel, point the finger of scorn at him, and bring him into contempt; cry shame at him and point him out to everyone as an uncleam animal. By this you will establish what you are in perfect ignorance of. Let the people be as one unanimous, and true to the national trust; let every man discharge his duty—his Christian duty—to his kind. If any wretch should go and do what is so strongly condemned on this platform here to-day he will feel his own life a burden to him. Some may imagine that it is too strong. No; a desperate sore requires a desperate cure, landlordism and land grabbing require a desperate cure. Anywhere you have not a branch of the Land League to-day, have it on this day week. Consult the people in the selection of its business, let these people go out circulating its doctrines and bringing the people together, which will make landlordism shake to its vamps. Stand by the national movement, and the nation is at your backs. It is a great relief to us to find so illustrious a character as the name that is quoted in this resolution here to-day. In the face of all that is said to the contrary, rally round the National Land League which is the means of keeping you safe; the illustrious Dr. Croke, who appears to be as the noonday sun before others of his cloth. It is a Godsend to the Irish tenant farmers. We are exhorting you to join this movement as the best national means of raising up a down-trodden people. You will run counter with neither the law of God or humanity, for we have it from God that he created the earth and air for man's use and benefit. God created the land and water for the use of man, the people" (there is a break here) "South Patagonia, which has long since been converted into a free land. More, you are in your shoes, "Hold your harvests." This may appear to some tenants a very extraordinary thing to be asked to hold their harvests. I ask those men

as fathers, I ask their wives as mothers, are they going to hand over their children's cradles to be rocked by workhouse nurses ('No, no')."

Stop there, please, and go to the next page, at line 20—"You must be united as one man"?—(*Witness* reads)—"You must be united as one man; pull together, and you will sweep before you as a mountain torrent anything that would obstruct it down a hill. There is another matter that I wish to speak about on this occasion. I have been deputed by the Land League to open branches in the county Leitrim."

Sergeant *Heron*.—That will do now.

Cross-examined by Mr. *S. Walker*.

Just a few lines, please—commence at "I have taken a few particulars," line 6 of Mr. Sheridan's speech, page 4?—(*Witness* reads)—"I have taken a few particulars with regard to the way he treated his tenants. There were some who held a take or holding at £8 a year. This honourable gentleman, for I presume he will pledge his honour when he goes to talk to you, he first takes away two-thirds of the tenants' land, and you would imagine he reduced the rent. No. He raised the rent from 10 guineas to £20 for the remaining one-third. Is this to be tolerated in a Christian land? (No, no.) Can this be tolerated, this wicked land system, which enables any man to treat his fellowman in such a way. The landlord, whether he got his property legitimate or otherwise, he says, 'I want that land, I can get plenty who will give me more rent.' You see this raised from 10 guineas to £20 for one-third of his land. Can this be tolerated even if the law sanctions it? (No, no.)" . . . . (there is a break here)—"practical work if you want to reform it, let there be no more petty differences between you."

Mr. *Walker*.—That will do.

Sergeant *Heron*.—Now, did you attend and report the land meeting at Ballinagleragh, county Leitrim, on the 5th September, 1880?—I did, sir.

Who was in the chair there?—Mr. James M'Morrow.

And about how many people were present?—I should say about 2,000.

Was Mr. John W. Walsh, of Balla, one of the traversers, present?—He was, sir.

Would you go to his speech on page 6?—I have it.

Begin at the beginning—"Mr. chairman and men of Leitrim"?—(*Witness* reads)—"Mr. chairman and men of Leitrim, I thank you on behalf of the Irish National Land League for the vote of confidence you have passed here to-day. I am sure that the voice of Leitrim will be heard from this day forward along with the voice of the people of Mayo, Roscommon, Tipperary, and the rest of Ireland, in demanding the land of Ireland for the people of Ireland. A short time ago I met a gentleman, an exile of Erin, who has been living in Scotland for a long time, and he said to me, 'What about Ireland; or could your body do anything towards 'spreading the light' in Leitrim? If you can see your way the Irishmen of Glasgow would subscribe liberally to it; for they say that there is no place in Ireland wants it more than Leitrim." It is gratifying to me to be able to tell my friend, when next I meet him, that I saw the men of Leitrim carrying out John Dillon's advice, with military precision walking shoulder to shoulder, determined to fight the battles of the people. I find the people of Leitrim more advanced than I thought. They are determined to raise the cry I heard raised on the slopes of Slievenamon last Sunday—'The land for the people.' I thank you, men of Leitrim, for the kind manner you have mentioned the name

of Mayo. I am a Mayo man, and my native county has struck the key-note of this agitation. As one who has taken an active part in this agitation, I thank you for joining your hands in the grand march to freedom. I have not come here to speak good or bad of any man. I have come here a sworn enemy of landlordism, and I shall use all the means in my power to do away with the system, root and branch. I think it only right to read for you the objects of the League, as some of you may not be aware of them."—(Here the speaker read the rules of the Land League, and what it was established for, from a printed card which he held in his hand). I could not say whether it was printed or not. I have the word "printed" here, but I could not say whether it was or not).

Very well—just proceed with the speech?—(*Witness* reads)—"It is needless for me to dwell on this subject any further. You can procure one of these tickets from the secretary of the local branch. You should wear it in your hat going to the markets and fairs and the chapel on Sunday. You will then have an opportunity of seeing who are Land Leaguers and who are not. This movement has already assumed national proportions. It is no longer Davittism or Parnellism, but it is the stern will of the nation. If the tenant farmers of Ireland are true to themselves and their country and the Irish National Land League, their cause, which is a just one, will ultimately succeed. We have heard a great deal about the Irish population being lawless. Where is there a people who could witness such scenes as have been enacted in this country for the last twelve months. I have seen myself seven families, consisting of sixty-nine human beings, thrown out on the roadside, without a morsel of food to eat but what they got from the local relief committee. Can the Irish people be called lawless, if you take into account all the misery and degradation which they have been subjected to by landlord tyranny. I think it was Sadlier who called the landlords of Ireland the cutpurses of Ireland, and I look upon landlordism as the sum of all that is villainous. I hold that the land of Ireland belongs to the people. Almighty God made the land, as He made the air and water, for the people. He never ordained that a few lazy and good-for-nothing individuals should own the land. He never ordained that six hundred and ten individuals should have ten millions of acres, when He said, "This earth I give to the children of men." The land must be held by the people, not as tenants, but as proprietors, and not hold it under the whim of any landlord, but as peasant proprietors. We have heard a good deal about fixity of tenure, fair rents, and free sale. My friend, Mr. Brady, has told you, in the words of Michael Davitt, that fixity of tenure is fixity of landlordism. Fixity of tenure may be all very well—say, with free sale—but I object to the words 'fair rents.' It is not in the power of the Government to fix a fair rent at the present time. Suppose they fixed fair rents four, or five, or ten years ago, what would you think of it to-day? With foreign competition and bad harvests, how can you fix fair rents? The only thing the people of Ireland is willing to accept is that the tiller of the soil shall be the owner of the soil. It will not do to depend upon Mr. Parnell or the British House of Commons, or the Irish National Land League. You must depend upon yourselves alone; the power is in your own hands, if you only exercise that power. I ask you one thing here to-day, and it is this, that you will give Colonel Tottenham and Major O'Beirne, a ticket-of-leave to join The O'Conor Don, King-Harman, Bruen, and Kavanagh, and the other gentlemen who were sent right about face. The House of Lords had better mind themselves, before they drive the democracy of England, and the democracy

of Ireland, to wipe it out, root and branch. For my part, I don't care whether it is Whig or Tory you send into Parliament, their object seems to be for centuries to wipe out the Irish race. I don't care whether it is Henry II., or Henry III., or the infamous Hessians of '98, or Oliver Cromwell, and last though not least, the famines and evictions of Queen Victoria, their object is to wipe out the Irish race"—(I have something lost here, I think)—"who are demanding to-day their right to live on the land of their birth. You will have each and every man of you to act like brothers, there is no use in trying to succeed, if some of you are going backsliding to the landlord or agent, or the police barrack, telling stories. I hope the time is gone for that. You are forced to go periodically to look for the assistance which has been deprived you in the land of your birth. You have paid your landlords an exorbitant rent for years, which they have spent in Belgium, France, Baden-Baden, and in Rhine Land, how they spend it, I am not going to tell you here to-day. Fully nine-tenths of the money wrung from the tenants of Ireland goes abroad, never to return. How can Ireland grow strong, while her very life current flows out in the shape of rack-rents. I will ask you to pledge yourselves here to-day that no man will take land from which another has been evicted, or that you will take a farm that has been surrendered for an exorbitant rent. But should there be found amongst you a wretch mean enough to take that land from which your neighbour has been evicted I ask you not to speak to him, or buy from him, or sell to him, or recognise him in public market or street, or buy from the shopkeeper where he deals. Don't interfere with him, but treat him as an enemy of his country. And another thing, do not reap his corn or dig his potatoes. Leave his corn uncut, his potatoes undug, and himself to wither under a people's curse. I ask you, as I asked the people of Tipperary the other day—if a tenant is evicted the people should march in military procession, and march to the landlord's door, and tell him that you will not pay one penny rent until that tenant is reinstated. I may be told I am speaking too extreme, that it is Communism; but in answer to that, I will ask you who are the Communists? They are the men who hold your lands under a military title, they hold it under the title of Oliver Cromwell, who butchered your fathers and mothers because they were Irish. Who butchered your fathers' and mothers' babes, ay! and Irish babes in the womb, because they were Irish. Still we will find Irishmen to stand up and say, they had a right to that land. They talk about sacred rights of property, was there anything about sacred rights of property in them days? We demand justice, we demand it for the people, and if the Government refuse to grant it, we will not be responsible for what may happen (cheers). I ask you, men of Leitrim, to join with the men of Roscommon, in the demand that you will have no settlement of the land question that will not make the tiller of the soil the owner of the soil (cheers), and that any attempt, no matter who may be the cause of it, any attempt to direct you from the true or right path, that you will listen only to the doctrines of the land for the people. If you do that, and stick to one another, be true to yourselves, aid yourselves, and God will aid you. Your cause is just and you must succeed (cheers)."

Mr. *Walker*.—We have nothing to ask about this meeting.

Sergeant *Heron* (to witness).—Did you attend and report a Land League meeting at Cooneal, in the county Mayo, on the 19th September last?—I did, sir.

Who was in the chair?—Mr. Patrick Gaughan.

Were there any mottos on any of the banners carried that day, or on

arches spanning the road?—Yes. I can tell you that from my note-book (refers to notes)—yes, there was.

State any that you have taken a note of?—One had "Awake, unite, Cooneal;" another, "Evict the Lords—spread the light." Across the road was a strip of calico, or something of that sort, with the words "Down with landlordism" on one side, and on the other side, "The land for the people." Another banner had the words "Hold the harvest—Ballina to the rescue," and another, "Hold what you have till you get what you want" on one side, on the other side being "Down with landlordism and the House of Lords." And "Spread the light" —"Hold the harvest."

Very well; now about how many were at that meeting?—I should say nearly 2,000—1,400 or 1,500; something like that.

Did Mr. Joseph B. Walsh, of Castlebar, speak at that meeting?—He did, sir.

Will yo go to Mr. Walsh's speech at page 4, and commence it?—(*Witness* reads)—"Fellow countrymen, I cannot sympathize with Mr. Melvin as a tenant-farmer for making an apology for proposing a resolution similar to what he read, for he is one who is robbed by this pernicious system of landlordism; he is one who has to pay rent to those who are not morally entitled to rent; therefore he had no need to propose an apology for proposing a resolution to abolish them for ever"—(I have lost some words there, I think)—"I think that the land of Ireland should be held by the Nationalists of Ireland. Who are the Nationalists of Ireland? Are they the Knoxe's? (Down with them.) Are they the Gores? Are they that chief of the crowbar brigade, the Earl of Lucan, Lord John Browne, or the Marquis of Sligo? (No, no.) I say they are not. The Nationalists of Ireland and Mayo are the people of Ireland and Mayo, and the land cannot be in safer hands than the people of Ireland. There may be, and there has been, exceptions to this. Indeed, the National men who held the land of Ireland, and whose principal work for generation upon generation has been to tread on nationality and the freedom of our country. We want to get the land into the hands of the people who cultivate it, the present occupiers of the soil of Ireland. We don't want to acknowledge any man as master. We want to see the people of Ireland free and independent. We want to see them stand on their own hearth and homes, and say before God they have no masters but themselves; and when that object is attained, I think the masters—the present masters of Ireland—will be on the other side of the Channel (cheers.) I say, therefore, that the highest effort of nationality ought to be to dispossess the present landed aristocracy, and give the land to the people."

Stop there and go to the next page—page 5, at line 18—"We have already stopped eviction"?—(*Witness* reads)—"We have already stopped eviction. Who has the hardihood to put out any tenant? I know there are thousands who are kept in their homes by this agitation, and I know it is not the landlords that has sufficient mercy to leave them in. It is the land-leaguers that is doing it, and they are keeping the people in their homes and possession which is nine parts of the law. Let no man give up possession; if there is stronger power to put him out he knows the way to get in. I hope you will allow no such thing as local jealousies to crop in amongst you. Nothing is worse than petty differences. If a neighbour were to injure you it is better that it should go unrevenged. I hope that the people will now be united, and keep united until every man present is owner of his own house and his own home (cheers.)"

Now, was Mr. John W. Nally the next speaker?—He was.

Was he under the influence of drink that day?—Well, he was a little.

Very well, give his speech?—(*Witness* reads)—"Well, my friends and fellow-countrymen, and especially the Nationalists of this part of the country, I did not come here to speak to this resolution, although I am the father of it. It is eighteen months ago since I had the honour of proposing the resolution I hold in my hand to-day. But still, what is the use of proposing resolution?" (I have lost a word) "No use whatsoever;" (there is another break there) "for the most enthusiastic in the crowd are the very parties who have proffered rent to those scoundrels called rack-renters. I tell you, for a positive fact, that I knew a case where a man went to a fair with a cow, who only expected six pounds, and he got four pounds more than he expected. There are some of those men here to-day that I was pointed out, and there were some of them yesterday in Killala, and they had the look of Judas Iscariot who slayed Christ on the cross. I am not in a position to speak on this question; I came here, though labouring under a cold, when I heard there was not one to spread the light to hold the harvest. I had the high honour on yesterday to witness the hill on which the French soldiers landed, but when you are called upon, it is not on the hill you will be called. You will have to come at the point of the bayonet. I hope you will buy a lot of those pills that I will be selling, that this scoundrel called Churchill (groans)—he brought it before the House of Commons to know why a character like me should be allowed to go through the country. I will repeat the same to-day. No matter who he is or what his calling may be, he can have a rifle and use it, he can keep it in his house, and by carrying it about he can have it for 10*s.* a year; they are very cheap now. Where I was brought before the House I did not say much, but whenever I speak at all I say something. What I said was, 'If a man wants to shoot some game such as grouse, hares, partridge, or anything like that, by shooting vermin you have only 10*s.* a year to pay. These vermin are crows, jackdaws, rooks, and everything else. I tell you you can shoot. There is no close season for shooting vermin." ("Cheers for Mr. Nally." Cheers.) "But what is the use, as I said before, of passing a resolution when it is not carried into effect? I have attended meetings in Galway, Roscommon, and Sligo, and I found that the parties who were most enthusiastic were the parties who would take a farm. This resolution which I am going to propose is not worth the paper it is printed on if you take farms from which people have been evicted. Now the resolution that I have to propose is this, and it ain't strong enough; it is this"—This resolution I did not take down in shorthand. It was given to me in a printed form by Mr. Nally, but it is the resolution proposed.

He gave you a printed form?—Yes.

And you copied that (the resolution) from the printed form?—Yes.

You may read it now? (*Witness* reads)—"That no man shall take a farm from which his neighbour has been evicted for an unjust or excessive rent, or in any other way violate the principles of the Land League. That we consider any man who takes a farm from which another has been evicted, or which has been surrendered for the non-payment of an unjust or excessive rent, as an enemy of the people". —Here is what he added himself:—"and we look upon him as worse than the robber soldier that pierced Christ on the cross."

That was not in the printed resolution he gave you—he added it himself, you say?—No, it was not in the print.

Very well, go on? (*Witness* reads)—"Is there a man that will buy that land or inhabit the house that he left? ('No, no.') When I saw the beauty of the crowd I saw yesterday in Killalla, and I can only call them Zulus" (I have lost it there again) "While those blasted scoundrels are spending it in England and London and the back lanes of Dublin in profligation and vice. The bone and sinew that I see here I would like them to understand that the words that have flown from my lips were not up to the wishes of my heart, because I would like to do away with land grabbers and land sharks. You want something more than speechifying. It is no use unless you say you will go hand in hand under the standard of Wolfe Tone, and Emmet, and go on the same scaffold as Allen, Larkin, and O'Brien, and until this is done we will never have a total separation (cheers). Excuse me, when I have time to come down again I will see you."

And you add to your report—"I think it right to say that this man was very much under the influence of drink while addressing the people"?—Yes.

When did he give you the printed form of resolutions?—Before the meeting commenced.

And did he appear to be intoxicated then?—Well, not so much as when he was speaking.

I see; very well—were the other resolutions that were proposed at that meeting printed forms also?—Yes. There were nine resolutions on the printed form altogether, but there were only three or four proposed.

There were nine originally, but they only proposed three or four?—Yes.

Will you go to the seconding of Mr. Nally's resolution by Mr. John Sweeny?—Yes. I have that.

Very well—will you read what Mr. Sweeny said—the little speech he made, just give it out at once?—(*Witness* reads)—Mr. John Sweeny said—"Tenant farmers, I have great pleasure in seconding the resolution so ably read by Mr. Nally, and I hope you will take his advice, and if you do the British Constitution cannot dispossess you (cheers)."

Cross-examined by Mr. *P. O'Brien.*

Now will you just go to page 4. I want to know whether you read the passage commencing, "This system of fixity of tenure"—it is line 46?

Mr. Justice BARRY.—No, he did not.

Mr. *O'Brien* (to witness).—Well, will you just read a few words from that point?—(*Witness* reads)—"This system of fixity of tenure has not a good aspect, to my mind. It oppresses the trader in the towns and the mechanics of the cities; it oppresses all the industrial and social life of Ireland. This system of land tenure, by which properties must accrue and fall into the hands of the eldest son—and this system of land tenure, by which settlements may be made giving the soil of Ireland to persons yet unborn—I say that this system oppresses the trader and mechanic. If a mechanic in any town in Mayo wants to build himself a house, is he able to do it? He is not; and it is because the present occupier is not able to give him a lease sufficient to build any property, and thereby it interests the social life of every man in Ireland."

Cross-examined by Mr. *Curran.*

Now tell me, constable, you say that Mr. Nally was very drunk that day?—Well, not very drunk.

Well, was he very sober?—Not very sober either.

In your opinion can he bear much drink?—I could not say, sir.

Have you seen him drink?—I have.

Have you ever taken drink with him?—Yes, sir; I have.

Now, on this occasion you say that he wrote something himself after the resolution?—Yes, sir—not "wrote it," but he added it in. After reading the resolution he finished it up by that there—the half sentence, or whatever is added here.

But it did not form part of the original resolution?—No, sir; it did not.

Were there many ladies at that meeting?—Well, I should say there were a fair share.

I believe wherever Mr. Nally goes the ladies as a rule follow also. Isn't that the fact?—I don't know.

Isn't he a great favourite with the ladies, now?—Well, I am sure he ought to be.

Don't you know that at all these meetings he claims the right to kiss as many of the ladies as he likes?—I don't know that.

Did you ever see him try?—No.

Oh, I see; you were too busy reporting. Now, you have said that you have often taken drink with him?—Yes.

Did you drink any on that day with him?—Yes.

Before the meeting?—Yes.

And after the meeting?—No, not after.

But before the meeting?—Yes.

I believe, as a matter of fact, that Mr. Nally, when under the influence of drink, uses rather strong language, doesn't he?—Well, I don't know about that.

You don't know about that. Well, passing from Mr. Nally for the present, I find here that you have reported this speech—the very short speech of Mr. John Sweeny?—Yes.

Now what he says is—"I have great pleasure in seconding the resolution so ably read by Mr. Nally"?—Yes, that is part of it.

"And I hope you will take his advice"?—Yes. There is more still, though.

Now, on your oath, constable, didn't that refer to the advice in the resolution?—I could not say, sir.

That no man should take a farm from which a neighbour had been evicted—wasn't that the advice Mr. Sweeny referred to?—I could not say what he meant.

You observe he says—"The resolution so ably read by Mr. Nally"—Yes.

And so far as you are able to judge, hadn't his speech reference to the resolution?—I could not say, sir.

The *Attorney-General.*—He also says—"And I hope you will take his (Mr. Nally's) advice."

Mr. *Curran.*—I know; but that is the advice contained in the resolution.

Sergeant *Heron.*—Did you attend and report the Land League meeting at Ballyshannon, in the county of Donegal, on the 26th September, 1880?—I did.

Was that a largely-attended meeting?—It was a large meeting.

Were you in the town of Ballyshannon early in the morning of that day?—I was.

Ballyshannon, you know, is a railway station?—Yes.

Were there excursion trains coming in from different counties in the early part of the day?—Yes, as far as I could hear.

About how many people, then, were present at the Ballyshannon meeting altogether?—I should say about ten or twelve thousand altogether.

You remember the chair being taken about three o'clock?—Yes.

Who took the chair?—A gentleman named Hugh Tuthill.

Very well. You know Mr. Thomas Brennan, one of the traversers?—Yes.

Was he there?—Yes.

Did you see him before the meeting commenced with reference to going on the platform?—Yes.

Just tell what occurred before you went on the platform?—It was through his intercession that I got on the platform.

Were you informed that but for that you would not be let on the platform?—I was.

Now, will you go to the first page of Mr. Brennan's speech, on page 7, and begin at line 20—"I never yet met a man"?—(*Witness* reads)—"I never yet met a man, no matter what his religion or politics might be, no matter how he might be wedded to the existing institution, but would prefer light taxes to heavy taxes, but would prefer to enjoy the fruits of his industry himself rather than see others enjoy it (True), and if we could look for the secret of the apathy of the people of the North in this movement, I think we will find that it is not owing to your prosperity, or that you are contented with your lot, but we will find that it is owing to the distrust for their Catholic fellow-countrymen which the English Government has ever fostered in the minds of the Irish Protestants, and I think that we will show that the great object of the Land League is to restore the temporal welfare of the Irish people, and not to restore the temporal power of the Pope, that the brave yeomanry of Ulster will join in this movement for the protection of the rights of the toiling millions (cheers)."

Now go to page 8, line 28, and read?—(*Witness* reads)—"Branches of the Land League should be established in every parish in your county, and every man that lives by honest labour in that parish should be enrolled in it. And if there are men found who will not join, who trifle by standing alone, they should be allowed to stand alone in their hour of trial. We want to make the Land League an industrial union in the same way that the members of different trades combine for to protect their rights, and then we want a strike against land monopoly. That strike has already commenced, and we want you to join in it. We want you to join in the strike against rack-rents—against payment of rack-rents. Any man who now pays a rack-rent, whether he can afford it or not, is an enemy to the public good. We want you to strike against taking farms from which others may be evicted. Whenever a man is evicted from his holding, that holding should be allowed to remain vacated; the crops upon it should be allowed to wither or rot, and if the landlord wants to cultivate it he should be allowed to bend his own back and work (cheers), and see what a little honest labour is like. If cattle are seized for payment of rent, no man should be found to bid for them or buy them. See what this united action did in a county neighbouring to this. Some time ago in the county Sligo a landlord seized upon the cattle of a tenant for the payment of a rack-rent; these cattle were brought to the town of Tubbercurry, and they were offered there for sale; there was not a man in that town found to offer one shilling for them. They were brought to Ballymote, and they were there offered for sale with the like result. They were then brought to Sligo, and in the market place of Sligo these cattle were bought in for

the owner at four shillings and sixpence a-piece. We want to make general throughout Ireland that state of things that exists in Sligo, and when we do the triumph of your cause is assured. You have raised the cry here to-day of the land for the people (cheers, and cries of stick to it, often). Don't be content with raising the cry ; go on with the work, and your cause will triumph."

Stop there. Now will you go to the resolution moved by Mr. Murdoch Gallagher?—(*Witness* reads)—" Resolved, that as organization is our best means, we, the people of Donegal, pledge ourselves to carry out the policy of the Irish National Land League by forming branches of it in this district."

Very well. Now go to another resolution on page 10, proposed by Mr. John Mulhern?—(*Witness* reads)—" Resolved, that we hereby pledge ourselves never to bid for or rent a farm from which a tenant may be evicted for non-payment of an unjust rent, or bid for or purchase cattle or other goods seized under such circumstances."

Sergeant *Heron.*—That's all I'll ask you to read now.

Mr. *M'Laughlin.*—How often have you reported Mr. Brennan?—About five or six times altogether.

Look at page 7, line 34. I want you to read about a dozen lines?—(*Witness* reads)—" We put forward to-day a platform upon which every worker can take his stand, no matter at what altar he may kneel on Sundays. We tell him it is his interest to combine against the class that is robbing him the other six days of the week (cheers). The landlord makes no difference between Protestant, Catholic, or Presbyterian money ; they take it all alike, they take the last shilling from you, no matter what your religious convictions may be, and you should meet them in the same spirit and feeling by combining, irrespective of creed, for the destruction of their power, and to make the people of Ireland, like the people of almost every other country, the owners of the land they till ('Well done'). Now, there are very few people but will acknowledge that the present land laws need reforming. Even the landlords themselves have recently condescended to argue the question, and it must soon come to be considered what change will be made in those laws."

Mr. *Heron.*—Did you attend and report the Blacklion meeting in county Cavan on the 13th November?—I did, sir.

Who was in the chair at that meeting?—Father John Smyth.

About how many people were present? Was it a large meeting?—There were about 1,500 present.

Were Mr. Sheridan and Mr. Biggar, two of the traversers, there?—They were.

Go to Mr. Sheridan's speech at page 2. Read the whole speech ; it is a very short one?—(*Witness* reads)—" Rev. Chairman and fellow-countrymen—Standing on this platform to-day, I have to congratulate you upon the intensity of your feelings on this great national movement. When I consider the inclemency of the weather I must be a great deal briefer than I wish to be. Therefore, my friends, you will excuse me if I confine myself in a few remarks into a few minutes. It is merely the actual experience on the platform, and living among my countrymen, the impression I would wish to impress upon your minds is, that this platform is bereft of anything sectarian. It is practically and purely national, and with open arms it invites men of all creeds, men of any colour or section who have to earn their bread by the sweat of their brow, regardless of creed or class. I would be sorry that anything should be said on the platform that would

prevent your Protestant fellow-countrymen to join this movement. It would not be tolerated in the West, and I hope it will not be tolerated in the North. · It has been too well proved on the pages of your history that Protestants have"—(there is a break here)—"freely and bravely, and again they will go to the front and fight the grand Irish fight against English tyranny. What they did in '98, if you only meet them in a spirit of brotherhood and as Irishmen, they are prepared to do in 1880. I don't mean that they are to take to the hillsides and win the liberty of the Irish people, but to stand on this platform to attack by their voice and yours"—(there is another break here)—"and if those ominous forebodings be not enough, the day will come when you shall hurl a thunderbolt in the teeth of those who dare refuse you your rights (cheers). The other day an Orangemen threw up his farm because he had to pay three pounds an acre for it. He threw up his farm and refused to pay this desperate rack-rent, and a Catholic neighbour of his came and took it (groans). This Protestant gentleman brought the question under the notice of the local branch of the Irish National Land League, and laid his case before them. The only defence for the land-grabber was that when this man threw it up he had a right to take it. The first thing I would do"—(there is another break here)—"from the platform and insist upon this grabber throwing up the land, and give it back to our Protestant fellow-countryman. I hope that the result of this day's proceedings may be that you will grasp the hands of fellowship in this great movement against the tyranny which only Irishmen could have endured so long. By this means you will create a power in the country that will sweep before it like a mountain torrent anything that would impede your onward march to independence (cheers)."

Now, will you go to Mr. Biggar's speech, and take up at that portion of it, commencing on page 4, which states, "You must give us assistance which is indispensable"?—(*Witness* reads)—"You must give us assist ance which is indispensable for the final settlement of the tenant-farmers' cause. The next step you must take, every tenant-farmer should combine and become members of the Land League for the protection of the tenant-farmers"—(There's a break here.)—"You should not give more than the Government valuation in the shape of rent. We know where the tenant league has been made workable—what has been done. We know what the trades-unionists of any country would do. Landlords must take"—(That's broken again.)—"Suppose you met another neighbour who refused to act in conformity with you, shun him. Don't buy or sell from him. If a shopkeeper sells to him, then you say, 'We won't buy from you'; and let the grass grow at the shopkeeper's door who will sell to a man who takes land from which a tenant has been evicted, or who will not act in conformity with the interests of his class. Suppose the landlord takes the land into his own hands, don't work for him. I don't mean to strike any man that works for him. Reason with him, and allow this covetous landlord to till his own land. If he puts cattle on his land, let him herd them himself. If his hay requires to be cut, let him cut it himself. If you carry out these principles, the result must be you will be masters of the situation. If you accept that the value of land cannot in any case exceed the Government valuation, you have made the first important step. The next is what price they have to sell their holdings to the occupying tenants. The same principle is with regard to rates, and landlords in towns making new streets, and so on."—(There is a break here also)—"I think I have pointed out to you quite sufficient

advantages to become members of the Land League. If you are not organized, the result is that you are perfectly defenceless, and be taken one by one by the tyrannical landlord and be crushed. If you act together you are the masters. The Land League can give the best valuable advice. They can recommend able lawyers, and do all that is to be done with regard to matters of that kind. If you watch your opportunities to carry out this pressure on the land-grabbers and land-jobbers, the result must be that the tenant-farmers must win, and the accursed system of landlordism, that is worse than any system of land tenure in any part of the civilized world, and you will have done a great benefit to yourselves, your country, and your families."

Now, with regard to every one of the meetings that I have asked you about; have your original notes of these meetings here?—I have.

And did you in each case compare your original notes with the printed copy?—I did.

And the printed copy agreed with your notes?—Yes.

And did you in every case, as truly and accurately as you could, take an accurate report?—I did.

Mr. Walker.—Turn to page 3, and begin at line 7, "The only issue in this particular case"?—(*Witness* reads)—"The only issue in this particular case is whether or not the tenant farmers, without reference to creed or class, shall submit to this injustice under which they so long groaned. I have heard a good deal with regard to what are supposed to be the opinions of tenant-farmers all over Ulster, and I believe, as far as my experience goes, that the Ulster farmers are in favour of the principles of the Irish Land League. In Dungannon on last Monday" (well, I have another break here) "we happened to get a good attendance, although summoned by a man that had only eight acres of land. The landlords had a meeting on the same day, presided over by Lord Ranfurley, and it was a lamentable failure. They did not succeed in getting a tenant farmer to attend their meeting. Now, in speaking on this question, I never alleged that all landlords are bad, but I do allege that a portion of the landlords are bad. There are landlords who charge their tenants twice the Government valuation—tenants who turned the land into fields for feeding cattle. These are the men we wish to put into their proper place, and take care they don't . . . turn the land into grazing. How are the principal objects of the Land League to be brought into operation? First, that the occupying farmer should become owner of the land; and the principle by which that could be carried out is very simple, and it would not be unfair to the landlord. The landlord should get twenty years' purchase Government valuation, and be paid by Government bonds; and if, on the other hand, he is disposed for a higher rate of interest, he could sell the Government bonds in whatever way he pleases. Let the Government charge one and a half in addition to three per cent., making four and a half per cent., to pay up the principal sum, and at the end of thirty-five years the land to be in the hands of the tenant. The result would be that the tenant would pay for those thirty-five years ten per cent., less the Government valuation, and the land would be his after thirty-five years. The Government valuation was settled by Government surveyors, who surveyed the land, and made fair and reasonable rent that the occupier is bound to pay for that land. The terms proposed by the Land League are more than fair. We don't advocate confiscation; we advocate justice, and nothing more. We will have justice some day, where we will . . . We can speak from platforms, and get good

reports in the newspapers, but, as we cannot do all, it is not sufficient assistance for us to get you to come here in large numbers and applaud the different speakers."

Mr. *Heron*.—That will do, constable.

PATRICK GORDON was then sworn by Mr. *Maybury*, and examined by Mr. *Porter*.

I believe you are a commission agent?

Witness.—Yes.

And I believe you are also landlord of the house, 62 Middle Abbey-street?—Yes.

Have you been served with a subpœna *duces tecum* to produce the agreement of the letting of that house to the Land League?—Yes.

Have you got the agreement here?—Yes.

Produce it?—Here it is (produced).

This is the document under which that house was let?—Yes.

By whom is the agreement signed on behalf of the Land League?—By Mr. Parnell.

Counsel then read the agreement as follows—

[Patrick Gordon] "62, Middle Abbey-street,
(Stamp 5*s*.) Dublin, 187 .

"MEMORANDUM of AGREEMENT made and entered into this fifth day of November, one thousand eight hundred and seventy nine, between Patrick Gordon, of Middle Abbey-street, in the city of Dublin, Commission, Agent of the one part, and the Irish National League.

"Whereas it is agreed as follows.

"The said party of the first part agrees to let, and the said parties of the other part agree to take, from the first day of November last past, the front and back offices, ground floor, on the premises, 62, Middle Abbey-street aforesaid, with the use of furniture in front office, at the yearly rent of Forty-five Pounds sterling without taxes, same to be paid quarterly on every first of January, first of April, first of July, and first October in every year.

"Either of said parties to terminate said tenancy by giving to the other three months notice in writing of his intention so to do, said notice to terminate on one of the four quarters hereinbefore mentioned after the expiration of one year. The said party of the one part shall have the same right of distress and re-entry in case of non-payment of any of the said gales of rent. And said party also agree to give firing for office, also gas in front and back offices, at rate of Two Pounds per annum.

(Signed) "CHAS. S. PARNELL, President.
"PATRICK GORDON."

BERNARD O'MALLEY, sworn by Mr. *Maybury*, and examined by Mr. *Porter*.

Are you a constable in the Royal Irish Constabulary?

Witness.—I am.

Have you been trained to write shorthand?—I taught myself.

Did you attend the Land League meeting at Shrule, on the 20th June, 1880?—I did.

Who was in the chair at that meeting?—Mr. Monahan.

Were there any banners there?—There were.

Just describe now any you saw?—There was a large one with this inscription on it—

"On, on, in your masses dense, resolute, strong,
To war against tyrants, oppression, and wrong."

Was there anything else on that banner?—Yes, on the other side were the words, "Stick to your homesteads. God Save Ireland." There was a likeness of Parnell on the car occupied by the instrument players, and there was a banner on the platform with the words, "Our claims we'll enforce."

Did you see any others? From your independent recollection are you able to state that you saw other banners, and if so, what inscription, if any, was on them?—Yes, there was one small banner with something like an effigy or figure of a man on it, with a pistol in his hand, and the words underneath "I'll cock my pistol said the Shan-van-vocht." I think there were some others. I was told there were others by some of the men who were there taking notes.

But from your own independent recollection, are you able to state what was on them?—I am not.

Did Mr. Tierney propose a resolution at that meeting?—Yes.

Did you report that meeting in shorthand?—I did.

Have you compared your shorthand report with the printed report?—I have.

And does the printed report correspond with your notes taken at the time?—It does.

Will you now turn to the resolution proposed by Mr. Tierney and read it?—(*Witness* reads)—"That we shall hold as inimical to our best interests, and the best interests of our country, any man who shall take a holding from which a tenant has been evicted for the non-payment of an unjust rent."

Was Mr. P. J. Gordon, one of the traversers, at that meeting?—He was.

Do you know Mr. Gordon?—I do.

Do you know who he is?—I have heard.

What is he?—I have heard that he is a shoemaker.

Turn to his speech at page 6, and commence at the words, "Mr. chairman," and read on until I tell you to stop?—(*Witness* reads)—"Mr. chairman, ladies, and fellow-countrymen, I am proud of having the honour of addressing you here in Shrule to-day. I had made up my mind to attend another meeting, but something has occurred in this gallant county that is echoed by my feelings. The Church teaches that he who is not with you is against you, and I am sorry the priest of this parish is not here to-day. Let it not be understood that I want to excite that gentleman; but I will not let it be understood that his name is in accordance with his acts. He bears the name of Good, but he is damn little good. It is the people of the parish that has made him what he is, and it is you, with your hard earnings, that has placed him in this position. I am leaving it in your own hands to chastise those who are against the people. I understand, my friends, that there is a party here who has got up a system of reporting to the Government that the peaceable people of Shrule and its surroundings were determined to cut one another's throats. But I say we have no intention of cutting the throats of our friends, but don't care if half the throats of our enemies were cut before morning."

Now go to page 7, line 13?—(*Witness* reads)—"I say the Government has aided the landlords. The Government help them to murder

you. It is now twelve months since I had the honour of addressing you in Shrule, and I now say the Irish people will never be loyal to that Government until Ireland gets justice. The only way that you have to let the Government see that you are not cowards any longer, arm yourselves like people, and, if you have no way of getting the rifle, sell the old cow and buy one. You have a privilege now to buy a gun, and if you can afford to pay for it, you can be a policeman in town with your gun on your shoulder."

Was Mr. J. W. Nally at that meeting?—He was.

Now go to line 32, page 7, and commence at the words—"The resolution speaks in the strongest terms"?—(*Witness* reads)—"The resolution speaks in the strongest terms against any man who shall take the land from which persons have been evicted, but I hope the plan will be acted upon; but, unfortunately, there stands in the midst of us persons who are only wishing to have the land. This document speaks about the men's names, David Bourke, who is a neighbour of Thornton, and his son-in-law. They both went to the landlord and offered him an increase for the land (groans)."

Mr. J. W. Nally.—"Groans are no use. Refer it to me for my pills I have got lately."

Very well, go on now to the next page, and read from the top?—(*Witness* reads)—"Swear before high heaven that the land that was created for your use that you are determined to fight for it. I will ask you here to-day, is there a man or woman amongst you who would not rather spend twelve months in a jail than six months in a workhouse? I say, if you want to keep from the workhouse, that the system must be put an end to. This will be done by your own determined action, showing the landlords and the Government that you are created by God to inherit the land. He has given it to you, with the words, 'This land I have created for you, and you are to cultivate it by the sweat of your brow.' The landlord takes all by the money which the tenant hands over to the landlord or agent. He spends it in houses of ill-fame in London. His class is a disgrace to the land of his birth."

Now go on to line 18, at the commencement of a new paragraph on page 8, and read?—(*Witness* reads)—"Now I will ask you here to-day to pledge yourselves to take no lands from which another has been evicted. If you do not keep that pledge the hour may come when every honest Irishman at home and abroad may have a record of your name. The names shall be duly published. Now I ask my friends to keep that pledge that you have made before to take no lands from which another has been evicted. I will quote for you. In this county there are land grabbers encouraged by the priests. I don't want to name these, but I want to tell you that the priest who takes the part of the landlord has some selfish end in view. But I say it is better for you to die fighting for the land of your birth than to die starving."

Go to line 40, "The last word"?—(*Witness* reads)—"The last word I will ask you to say are away with land robbers and God save the people. In referring to the land sharks and land-grabbers, unfortunately we have them in our midst. I ask you in the name of Ireland to treat them with contempt, pass them by, don't speak to them in the fair (a voice, 'Give them what Lord Leitrim got')."

Well, he spoke after that?—(*Witness* reads)—"Mr. J. W. Nally.—'You are too cowardly to do that'."

Well, go on?—(*Witness* reads)—"Mr. Gordon continued—Pass them by with scorn, and I will tell you, my people, that like Lord Castlereagh when he sold his country to the Government, he may go and buy a

razor and cut his throat. If they are treated with contempt, they will come on their bended knees and ask forgiveness of their country. But I say, don't forgive them. They have sold their nationality, and away with them."

Very well. There is a passage in the last page which was just read. You can read it—line 34, page , "O'Connell once said"?—(*Witness* reads)—"O'Connell once said that the land of Ireland would be dearly bought at one drop of blood, but I differ from him. It is better for you to lose your blood as Allen, Larkin, and O'Brien did, and we are determined to do the same."

Was there a Mr. J. W. Walsh there?—Yes.

Is he one of the traversers?—He is.

Turn to page 17 of your report, line 19, of his speech—"In small cases I am sure you will agree"?—(*Witness* reads)—"In small cases I am sure you will agree with me this is a rack-rent, and I will ask these people not to pay a rack-rent, but to pay the shopkeeper and the people from whom you have got things to support your family, and if you have anything left, give it to the landlord, it is good enough for him. I believe the landlord is George Lynch."

That will do now. He made another speech, which should come first, beginning at page 12. Go to line 21—"Well, fellow-countrymen"?—(*Witness* reads)—"Well, fellow-countrymen, I am, it is true, here to-day deputed by the Irish National Land League to offer any assistance towards explaining the objects of this movement."

Turn, and skip on till you come to page 14, beginning at line 5—"The land, as Mr. Gordon has told you"?—(*Witness* reads)—"The land, as Mr. Gordon has told you, is yours if you will only stick to the truth of that your cause is a just one, and must ultimately succeed. And fellow-countrymen, I wish to tell you that you should not place too much reliance on other people to do your own work. It is all very well for you to write to the Land League to send down a deputation here. I am proud of having an opportunity of attending here from that body. It is all very well to expect measures from an alien Parliament, from the Government granting measures which you will never get, and never have, except you extract them from them like drops of blood; and if you do not stand to yourselves it is foolish for you to depend on us. Let your rallying cry be ourselves alone. Stick shoulder to shoulder, and if there be amongst you any man who has acted the part of the traitor, who has taken land from which another has been evicted, you know what you have been told over and over, not to speak to him, not to recognize him, to look upon him with scorn, and treat him as an enemy of your country. If you do not bring home in your hearts to your children's children what I have told you to-day—whenever you meet a land grabber, land robber, or land thief, throughout the country, raise your cry to Ireland that it may sound in his ears. Give us the land, give us the land. The time is now come when you must show a good front. We will follow others, but you must follow us and back us up."

Very well. Go to line 38—"Are we to lie up"?—(*Witness* reads)—"Are we to lie up and see the bastard come into our cabins? Let me ask any parent in the crowd to make it his own case. He is sitting down in his house with that family about him. A tyrant comes in and says you must get up, I want this cabin. What would be the feelings of that man when he saw his family thrown out on the road? Aye, I don't know what would curb that man's feelings from dark imaginings or his hands from bringing them into effect."

Cross-examined by Mr. *S. Walker*.

You have the first speech of Mr. Walsh there—would you refer to page 17, line 7—"It affords me the greatest pleasure"—it is the first speech you have referred to?—(*Witness* reads)—"It affords me the greatest pleasure to second the vote of thanks to Mr. Monahan. Mr. Parnell and his party have a Bill which they are about bringing before Parliament, asking the Government to stay evictions for at least two years, so that no man valued under £20 can be evicted within the next two years. And I may tell you that I believe there is a probability of that Bill, or a portion of that Bill, becoming law. I also wish to tell you, that there is another clause in the Bill, that no man can be evicted when he tenders the Government valuation for his land, at least for two years. Hence, I will read the Bill, to show that the tenants cannot be evicted:—Martin Healy—valuation, £16 5*s*., rent, £32; Martin Reilly, £8 10*s*., rent, £13 8*s*. 3*d*; John Tierney, rent, £7 10*s*., valuation, £12" [and so on to about twelve names].

Go to the other speech of Mr. Walsh at page 12, line 10—"I believe the object of this"?—(*Witness* reads)—"I believe the object of this meeting is to protest against the cruel and heartless eviction. The landlord is a Mr. Bourke, of Ower; the tenant, Pat Kevil, of Maine. You have assembled to denounce not alone the eviction of Pat Kevil, but the eviction of any of your fellow-countrymen from the soil on which he was born. I find the valuation of Pat Kevil's holding is £9 10*s*., and the rack-rent £15 10*s*. He is paying that rack-rent for the sum of twenty-five years, and, fellow-countrymen, I hold to-day that, instead of Pat Kevil being indebted to Mr. Bourke, Mr. Bourke is indebted to Pat Kevil for the sum of £90."

Go down to line 3—"If you stick to the pledge?"—(*Witness* reads)—"If you stick to the pledge that you made in my hearing twelve months ago, that you will not pay the land robber an exorbitant rent, that you will pay him a fair rent. I am not asking you not to pay any rent, I am asking you to pay a fair rent, so as that you will be able to pay the merchant who gave you meal to support your family, guano to put down your crop; and if anything remains give that to the landlord. But I hold he has no right to exact from you your life blood."

Go to the next page?

Mr. *Porter*.—Let him finish that page—"They will say?"—(*Witness* reads)—"They will say the rights of property. If you ask them their title they will walk away. They hold it as robber's men maintained by British bayonets. The land of Ireland has been confiscated over and over again to suit the whims of the followers of the British Government."

Mr. *Walker*.—Now, go to the next page, at line 29—"We are determined to spare"?——

The *Attorney-General*.—Let him begin it?

Mr. *Walker*.—Very well, commence line 25, "I don't think it necessary"?—(*Witness* reads)—"I don't think it necessary to detain you here to-day, as you have heard the question very ably discussed by the speakers who have preceded me, nevertheless, I think, my duty to tell you as I have told you before, that the Irish National Land League is now in a better position to support your claims, and we are determined to spare neither money nor time in fighting the people's battle. We are supporting 150 evicted families. I have gone amongst them, and have found grandmothers of eighty years, and young children in arms, thrown out on the road to die. There is one woman who calls herself a Christian, I allude to Mrs. O'Connor, of Elphin, she has thrown out

nine in one place, seven in another, five in the third place; to leave twenty-one families—over a hundred of God's creatures—thrown out the roadside. She demands a rack-rent from these poor people, from whom I have taken thirty-seven pawn tickets, their sheets, their blankets, their goods, every thing they had even to cover them, ay, even a small stool, they got 4*d.* upon it to buy meal. And Mrs. O'Connor would extract a rack-rent from these poor people? She may now succeed in banishing these poor people, but she will not banish them from the land, for the Irish National Land League are at their back."

That will do.

Mr. *Porter.*—Read the next few lines?—(*Witness* reads)—"We now purpose sending them an iron hut in opposition to the Irish Constabulary. We will support them by every means in our power, and keep them there as sentinels watching their little farms. I hold it is still their farms. God created this land for them, as well as he did the air and the sunshine; and I hold that Mrs. O'Connor, or any other Mrs., or any other power, has no right to deprive him of it. The land of Ireland belongs to the people of Ireland."

Cross-examined by Mr. *Curran.*

You say that Mr. Nally was there?—He was.

Are you aware that he was not allowed to propose any resolution or to speak?—I am not.

Did he expect that interjection you spoke of?—I think not.

You know Mr. Nally for some time?—I have.

And I suppose you, as well as some of the other members of the force have taken drink with him?—On one or two occasions he treated us, and on another occasion I treated him myself.

Fancy that? Mr. Nally, you say made use of an expression, "groans are of no use." Were there groans before that?—I could not say that; I have not them on my notes. To the best of my recollection there were, but as I had not them on my notes I knocked them out.

Please take up the speech of Mr. Gordon, at page 6, and refer to line 18, "I shall tell you the cause"?—(*Witness* reads)—"I shall tell you the cause of my being here to-day. That was a landlord robber who went into the house of a peaceable woman. He was not satisfied with carrying out the law, but he took the law into his own hands. He went into the house of a respectable woman, and he used violence against her. He was not satisfied to allow the sheriff and the police to do it, but he did it himself, or thought to do so; that gallant woman had wrested a stick from him and hurled him from her cabin. Well, my friends, it did not finish there. That land robber who was not satisfied with robbing the woman of her labour, he brought back a gun, commenced smashing before him. That gallant woman stood up, took from the hearth a tongs and smashed the head of the robber. The laws of God and man tell you distinctly that you are bound to protect your households. She has not been guilty of a crime, but has protected her home from the land robber. I shall ask the women here to-day to act the part of the soldier, allow no robber to enter your cabin. The law will protect, and if you drive from your cabin door the robber, your name shall pass to every quarter of the globe, and shall go to the grave with the mark of respect for your country. It has been said that this meeting was got up to denounce the landlord whose property is here. I will refer to the good landlord, but unfortunately they are as scarce in Ireland as a white blackbird. We have one white blackbird, Lord De Clifford, his mother was a model to

the landlords of all England and Scotland. It was got up to expose the robbery, tyranny, and plunder of those landlords, who after years of toil on the land that God has created for you, she comes and says, unless you are able to pay the rent I demand you are to quit your cabin."

Are you aware of your own knowledge that the woman was tried and acquitted of an assault on the landlord?—I am not.

Are you aware the landlord was convicted?—I am not. I don't know anything about it.

Mr. Justice FITZGERALD.—If you are referring to the case of a house in Ballina, the man you call the landlord was convicted, and the woman acquitted on the ground that she had done it in self-defence.

Mr. *Curran.*—Thank your lordship.

As a matter of fact was not the meeting got up to protest against that man?—I don't know.

Was not it a meeting of persons of the neighbourhood?—I don't know, there were people there from the surrounding districts.

Don't you know Mr. Gordon says—"I will tell you the cause of my being here to-day"?—Yes.

Go to page 7, line 3—"We are here to denounce"?—(*Witness* reads)—"We are here to denounce a system that has left you a starving people in your own land. Why are you begging yellow meal? Because you are too cowardly, you have not the spirit of the Ballina woman, and then the Government would see within the House of Commons the necessity for making a measure for the people of Ireland. But when you lie down cowardly, the Government of England think if you are offered a stone of yellow meal to one parish it will satisfy you. Well, if you had the spirit of that woman you would not take yellow meal. The dogs of England would not take it, nor the people of England. They refused to take what the Irish are begging for."

Go to line 21—"I have several times spoken"?—(*Witness* reads)—"I have several times spoken with regard to the police, and what I have said then I repeat it now, that within that jacket there is a heart warm and determined for the rights of their country, and they have shown it lately in Dunmore. The landlord would not allow the old man to stay. The police said, let us pay this, and the police paid the rent. Now, my friends, if the police turn round and pay the rent, it will show something to the Government. They will see they have an honest heart."

Do you agree with that yourself?

Mr. *M'Laughlin.*—He is not bound to answer that.

Mr. *Curran.*—Very well, go on it is better not?—(*Witness* reads)—"Often when they have to assist evictions it has been done against the wish of the unfortunate men who had to do it."

That will do. Referring to my question as to whether Mr. Nally was allowed to speak at that meeting will you refer to the last page (page 9), "My friend here"? who (pointing to Mr. Nally), I may as well introduce to the jury. Stand up, Mr. Nally (Mr. Nally rising) this is Mr. Nally, gentlemen: (to witness)—Go to page 9, line 7, "My friend here wants me to propose"?—(*Witness* reads)—"My friend here wants me to propose that not a young man in the parish will marry the daughter of a land-grabber. I know this gentleman himself was paying his addresses to a very nice lady, but when he found there was a land-grabber in the family, he would not speak to her at all."

That will do.

Cross-examined by Mr. *A. M. Sullivan.*

How long are you in the force, O'Malley?—Fourteen years.

Where were you born?—In Mayo.

Some reference was made in one of these speeches to the fact of the Constabulary making up and paying the rent for the evicted man. Did you ever see evictions?—I did—at several places in the county of Galway.

Were the houses levelled?—Yes, in some instances.

About how many people were thrown out of them?—I could not say now.

About how many instances to your own knowledge?—Nine or ten.

What year was that in?—It extended over several years.

Were the police present at all?—I was myself where the force was represented.

Is it not a fact that in every one of those cases the police exhibited great feeling for the people?——

The *Attorney-General*—I object to that.

Mr. Justice FITZGERALD.—You need not answer.

Mr. *Sullivan.*—About how many families?

Mr. *Porter.*—Are we to try the circumstances of each eviction at which this man had been present?

Mr. Justice FITZGERALD.—I think this evidence is quite irrelevant to the issue to be tried.

Mr. *Porter.*—Were you present at the land meeting at Cong on the 11th July, 1880?—I was.

Did you take a note of any banners that were there?—I cannot tell you about the banners there.

Was Mr. Matthew Harris—one of the traversers—at that meeting?—He was.

Did he make a speech?—He did.

Did you report him?—I did.

Turn to page 4 of the print, near the top, third line, "Any man who wishes to serve"?—(*Witness* reads)—"Any man who wishes to serve the cause of justice must discard the landlords altogether (cries of 'Away with them'). He must turn round (part of the sentence lost) and I am glad the *Freeman* has said it, for it is not often I see things in the *Freeman* that I like. He must discard the aristocracy. The landlords in all the arguments appropriate the word justice, as if justice were on their side of the question. It is admitted, however, that the land of the world belongs not to any class, but to all men and to all classes. We must admit that the land must be in the possession of some one class or another, and what class are so fit to hold it as the men who till it?"

Go to page 5, line 8, "Before concluding"?—(*Witness* reads)—"Before concluding I will make one remark about a class of men, who next to the landlords, are the greatest evil in this country—the land-grabber and the grazier. The land-grabber may take a single farm, but the grazier will take a whole district. He takes possession of the homes and residences of humble people. Industry ceases, every thing ceases that tends to the prosperity of the country. Therefore I say we should keep a steady eye on the grazier class, for they are the greatest evil that is connected with the land in this country."

Mr. *O'Brien.*—Go to page 3 of Mr. Harris's speech, and begin at line 33—"All of you have heard of the Bill which Mr. Forster has introduced"?—(*Witness* reads)—"All of you have heard of the Bill which Mr. Forster has introduced. It was a great measure intended merely

to protect the tenant-farmers against the aggressions the landlords has been practising on them. Mr. Gladstone who, I believe, is a good wise man—Mr. Gladstone in his simplicity, thought by bringing in a moderate measure—a measure that would protect the poor man against the rich man—a measure that would save the Irish people for the time being, he thought that by bringing in such a measure he would conciliate the landlords of Ireland. But, my friends, he undertook a task he knew nothing of. Mr. Butt, too, thought it was possible to bind the landlords and tenants, he thought that by uniting them it was their interests and he thought by doing this he would be able to join landlords and tenants together. But Mr. Butt and Mr. Gladstone little knew the hatred that exists in the hearts of Irish landlords."

Did the Rev. John O'Malley, P.P., make a speech there?—Yes.

Mr. *Walker*.—"I remember the year of the famine."

Mr. *O'Brien*.—Just read that out—(*Witness* reads)—"I remember the years of famine well. I remember in my own native town, Castlebar, being sent Sunday after Sunday, for miles and miles, around the country with a few half-crowns to divide here and there, and the sights I have seen never will leave my mind, and to think of them is enough to suffuse my eyes with tears. I have seen five naked corpses in one house. I have seen round Castlebar whole villages cleared away, people murdered by the landlord, and the tyrant that did that still lives, the strongest refutation of the calumny that the Irish people are a nation of assassins. I have been sent back as a priest in Connemara. There I saw whole mountain sides cleared away by another tyrant who still lives. And one fact, which I hope the gentlemen of the Press will take down:—On one occasion, 1850, 1,400 ejectments were entered, and the ruffianly attorney and the agent divided the proceeds between them. Seeing all this, I began to despair that anything ever would happen to raise her until last year I saw these meetings. Last I said that the spirit of the people was roused; now they will do their work; like the fable of the birds and the person who was going to reap the field. As long as you were looking to members of Parliament you were inactive. But God helps the people that mind themselves. I say now that the Irish Land League is the hope of the Irish peasant. Union is strength. If you take a piece of thread you can snap it, put three or four of them and it will take a boy to smash it; put twenty of them and it will take a strong man to break it; but put a thousand of them and it will hold a ship; you will put it round landlordism, and lash it to the ground. Talk is cheap, but what we want is action. We want that every parish in Galway and Mayo shall have its council, and every single means will be used to make every man join it and pay his money. For if the people are united and stick to each other, where is the power that will oppose them?"

Mr. *Walker*.—That was the Rev. Mr. O'Malley?—Yes.

Mr. *O'Brien*.—Who was the chairman at that meeting do you know?—The Rev Father Lavelle.

Have you got a copy of his speech—go towards the end of his speech, and read a portion of it?—Yes.

Mr. *Walker*.—Line 34, page 2.

Mr. *O'Brien*.—Now read, please?—(*Witness* reads)—"Let me mention one case in this parish. It occurred four years ago on the property of an hon. gentleman—I shall not name him now—in the village of Cordoon, three miles from this, where the poor widow Doyle was evicted on the title. She had lodged her rent in the bank, and because she would not sign the title, and the chairman, Mr. Richards, declared it

very hard, and, after all, she was condemned to eviction, and her son sent to the workhouse. I took occasion, again and again, to warn the people not to take that land ; one man took it, and has it still. I have dealt with that man as I would a public robber."

That will do now.

Mr. *Porter.*—You may just go on now, and read the next sentence—"As chairman"?—(*Witness* reads)—"As chairman I will not occupy your time. I shall beg of all men to keep to one principle—decorum in speech and manner."

Mr. *Curran.*—Let me see that speech you are referring to?—(Document handed to counsel).

(To witness)—Did you take the chairman's speech correctly?—I did—all he said, or nearly it.

While he was speaking did Mr. Nally use any interjection?—Somebody said "pills," but I have not got it on my notes.

What did the chairman say when the word "pills" was used?—He said no—no such language must be used here.

Why, have you not got it on the notes?—I missed it at the time I was writing. I did not take it down, but I remember it perfectly.

How long was the chairman speaking?—I should say he was speaking about three or four minutes, hardly that.

Three or four minutes?—Hardly that.

Then Mr. Nally was there?—He was.

And some one in the crowd called out "pills," and the chairman immediately made the observation you have now mentioned?—I remember that distinctly.

He would not allow such language to be used?—Yes, or words to that effect.

And I believe Mr. Nally was there, but he was not allowed to speak at that meeting?—I don't know, but he did not speak.

He did not speak.

Mr. *Porter.*—Did you attend the Land League meeting at Milltown, county Galway?—Yes.

On Sunday, the 25th July?—Yes.

Who was in the chair at that meeting?—Mr. Michael Quinn.

Was Mr. Thomas Brennan, one of the traversers, there?—He was.

Mr. Patrick J. Gordon was there?—He was.

And J. W. Nally?—Yes.

Did you report Mr. Brennan's speech?—I did.

I will give you a couple of extracts from it ; turn to page 3, line 17, "When last I was in Milltown"?—(*Witness* reads)—"When last I was in Milltown I made use of an expression that has been often quoted against me. I am not here to-day to recall that expression, but I will repeat it, and say we are in open insurrection against landlordism, and we will remain in open insurrection against it until it is out of the power of the few to rob the many of their industry. We are in insurrection against the system that is ruining the country—that is driving its manhood and its beauty to other lands where the laws are made by persons who are not in league with the enemy, but a government where the people are protected."

Go to page 5, at the top line—"God forbid"?—(*Witness* reads)—"God forbid that we should forget our system of nationality. When I say Ireland a nation, I mean something more than a green flag flying from Dublin Castle. I mean the Irish nation for the Irish people. If we had a Government in Ireland to-morrow that would protect the idler against the worker I would be against them.

"A Voice—'To hell with them,' (groans).

"All I see here, I think, will agree with me that the highest form of Government is a Republic (cheers for the Republic). Well, you may establish an Irish Republic on Irish soil, but as long as the tillers of the soil are forced to support an idle class, a Republic would be only a mockery. These lands you have belongs to you. They belong to you who have saved them with your sweat, and there is nothing morally wrong in saying that you will protect those fruits with your strong right arms."

Turn to the speech of Mr. Patrick J. Gordon, at page 6, line 14—"We meet here to-day"?—(*Witness* reads)—"And if we meet here to-day"——

Is that on your notes?—Yes.

Very well?—(*Witness* reads)—"And if we meet here to-day and it is to denounce the landlords who have plundered you of your land. They say the land belongs to them. I deny that. It is God that created the land for the people (great groaning). My friends, we have met here to-day determined, as we did twelve months ago in the town of Milltown, to denounce the land robber, and that system of landlordism, which aided by the Government of England, robs you first and starves you afterwards. We have met to protest against that system which the Government have helped to carry out. Why are you begging in your own country? Because you are too cowardly. If you dare to beg from them in the future as you did in the past, they will scoff at you and say, 'You don't belong to the Irish race;' and, if you don't get it by fair means, I say you should fight for it. I am glad, my friends, that Her Majesty's Government has sent a number of police here to-day. (A voice—'To hell with them.');"

Go to page 7, line 25—"As Mr. Gladstone said"—(*Witness* reads)—"As Mr. Gladstone said, the only measures given to Ireland were given by the Fenians. I say if it is a crime in the eyes of the Government, and if every man who says he has a right to the land of his birth is a Fenian, I am one. Remember there is a story about the boy in the bush. When the old man asked him to come down he would not, when he threw a stick at him he laughed, but when he gave a blow of a stone he came down at once. I don't want you to give a blow of a stone to the landlords, but you may do it if you like."

Go to line 42, "I'll ask you as honest men," on the same page?—(*Witness* reads)—"I will ask you as honest men to leave your hands on your breast and say if the land you have been working on were taken from you to-morrow, would not you harbour revenge in your bosom? I say let there be no scoundrel amongst you to take the land. Look upon him with scorn and contempt. Do not buy or sell with that man. Have the curse of God on any man who will take the land of his neighbour.

You may go to line 15 on the same page—page 8, "But I'll say"?—(*Witness* reads)—"But I will say, pay the shopkeeper, and if the landlord evict you he will have to pay you seven years' compensation. (A voice: 'We may thank you for that and Mr. Nally.') If you remained at home for the last eighteen months, and sought for no justice, I ask you would the Government give you anything? No; they would allow you to starve. The same system has really determined to sweep out the people. I call here to-day for three cheers for the independent men of Ireland (cheers)."

Line 33, "There is a land-grabber in this locality"?—(*Witness* reads)—"There is a land-grabber in this locality named Billy M'Hugh. Now,

I don't know who the man is, but a document has been put into my hand which says a man named Billy M'Hugh took land in this neighbourhood (Mr. Nally asked this man to come forward until they would investigate the case. Mr. M'Hugh came forward, but decided not to mind the case till by-and-by). Allow me to tell you that I don't care, let him be Disraeli, Gladstone, or Billy Bourke, I have been handed a document with the name of Billy M'Hugh attached to it; this document says he took the land to himself. I don't know whether he is the man or not (groans for him). Allow me to tell you I don't know who this man is. If he is a land-grabber you know him. If he is a land-grabber shun him, and have no connexion with him. I see amongst you land-grabbers. These people I see might be shunned in the future. Allow the grass to grow. Let it wither. Let no man be allowed to cut it. We will watch every man who will dare to take a scythe to cut it (voices, 'We will cut the hands off him; we will cut the elbows off him'). Let that man pass off unnoticed. Look upon him as a black sheep."

Line 14, "The men who are evicted by strength"?—(*Witness* reads)—"The men who are evicted by strength, whom he is going to throw out I say that they ought to say they are determined to keep the place, and let the moon never shine until they go in again. If you are put to jail for eleven months in the year, I'd ask you to go in for the one month. The Government cannot keep you always in jail, and the Land League will come to your protection. Stick to the cabin, and if you are a good soldier the Land League will help you. If you are a cowardly dog the Land League will not recognise you. I say that you are fighting men, fight for the land of your birth."

Did Mr. J. W. Nally propose a resolution—page 10?—Yes.

Read the resolution and his speech—(*Witness* reads)—"That we pledge ourselves to perfect and make permanent the organization commenced here twelve months ago for the achievement of the rights of the working and industrial classes."

(*Witness* reads)—"And in doing so he said—'Well, my friends and fellow-countrymen, I did not come here to-day to make a lengthened speech, because speechifying on my part is not good for the health, because a party in the House of Commons, which we call the Woodstock Wasp, and all I ask of you is to give three hearty groans for Churchill. I did not intend to be here to-day, nor a good many of you to meet me. He asked the other night would I be allowed to preach the true doctrines to the people. He wanted to know would I be arrested. Well, if he continue to do it, they may put me in until I come out a skeleton, and I will be the same Irishman. It was not to propose an idle resolution. I suppose I have proposed resolutions while land grabbers had bid for the land at the time. Why, my fellow-countrymen, why do you allow them to live? Why do you allow them to exist? The only way I want you to put them from existence is this:—Don't speak to them, leave their corn uncut, their meadows uncut, and they will commit suicide without the pills. They will do like the friends of Churchill—Castlereagh—they will cut their own throats. But to-day ye must be united and organised, unity of action and organization. Without that we cannot get rid of that blasted system of landlordism. Well, I suppose after this little oration that I will be called again by the Woodstock Wasp. Well, now, I will leave Churchill alone. He got a dam good snub from the Chief Secretary, a good friend to me. I hope ye won't burn Churchill to-night in effigy. Before I propose a resolution I want to say a word or two about the

representative of this county, Mr. Henry. Not alone in this county but in every place he ran ye down. (A voice: 'Down to hell with him;' another voice, 'that is too cold for him.') When ye had an opportunity before ye did not take it. I will conclude by proposing the resolution, (The resolution given at the beginning of this speech was read.) But mind land-grabbers. So long for a while."

Were there other speakers who spoke after Mr. Nally?—There were.

Did Mr. Gordon speak again?—Yes, sir.

Page 12, read the sentence "Keep a firm grip"—(*Witness* reads)—"Keep a firm grip of the land; and I say the man who dies under that system of robbery is a sneak, and not a man. He is not born according to God's intention. God himself intended that every just man should keep a portion of his land, and I ask you to swear before High Heaven that this land of Ireland belongs to the people, and that you are determined to have it."

Mr. *M'Laughlin*.—Have you Gordon's speech there—page 6?—Yes.

See there, line 37—the last but three, and just read that paragraph "If you are determined to keep a firm grip of your homes"?—(*Witness* reads)—"If you are determined to keep a firm grip of your homes I say you will not allow Bodkin to drive you from your homes. I tell you I know that man's character in the past. He carried out a poor unfortunate woman and had a car at the court-house door to carry her off to Galway. There was no crime against that poor woman but following the doctrine laid down by Charles Stewart Parnell, and that doctrine I will preach to you—that every man and woman shall keep a firm grip on the land. That widow did nothing but what I would do, and if I were evicted like that woman I would say, 'Oh, God you have created this land for me, and sooner than die a victim I will die on the spot.' And if every one proclaimed the system you would rather die on the threshold of your cabin door, than be sent to Ballinasloe or the workhouse. If you die in the workhouse you have no one to go to your funeral (groans for 'John Barrett, the robber')."

You may stop now——

Mr. *Curran*.—Tell me, with respect to Mr. Nally, was he as sober as usual on the occasion?—Well, I don't remember now whether he was sober or not.

Did you ever see him perfectly sober?—I cannot say whether I did or not; I had no means of knowing whether he was drunk or not.

But there was a good deal of laughter when he spoke—I believe the people like to hear him speaking—never mind looking at your notes?—I don't remember that there was.

Will you refer to line 18, page 10—"Don't speak to them?"—Yes.

Will you swear that there was not an "s" after the word "corn"—"Leave their corns uncut?"—I am nearly sure there was not.

Mr. *Porter*.—Did you attend the meeting at Frenchpark, county Roscommon, on Sunday, the 1st August, 1880?—I did.

Who was in the chair at that meeting?—Mr. Edward Neary.

Were Mr. Matthew Harris, Mr. J. W. Walsh, and J. W. Nally, the treasurers, present at that meeting?—Yes.

Turn to page 3 of your notes, and see if you reported the speech of Mr. Thomas Mulleague?—Yes, I have.

Go to line 28 of Mr. Mulleague's speech, "Therefore I would appeal to you to-day"?—(*Witness* reads)—"Therefore I would appeal to you to-day, my fellow-countrymen, never to cease till you see that

power beneath your feet and in its place have established a system of peasant proprietary, which will bring peace and plenty to our people. There is no land on earth worth more than one shilling an acre, and it is more than the landlords are entitled to- (cheers)—and you can give them one shilling and sixpence for good meadow, and if it is bad give them from sixpence to ninepence. I hope your cheers are not empty ones."

Go to the speech of Mr. Matthew Harris, page 4, line 9—"You have met"—(*Witness* reads)—"You have met to establish a branch of the Irish National Land League—you have met to assist in the creation of a great organisation which extends itself from one end of the island to the other, and until that is extended so as to embrace all the country we never need hope for success."

Very well—go to line 16—"I am happy"—(*Witness* reads)—"Well, I am happy to see that the people are realizing these things. They are feeling the necessity of combined action, and I hope the time is not far distant when the people will be so united that when the bailiff or when the sheriff—(groans, and cries of 'Down with them')—or when the landlord come to dispossess the poor industrious person from his holding, which according to all the laws of justice and humanity, and morality, he has a better right to than the landlord"—(there is a break there)—"the people throughout the country will all rise like one man, that signal fires will make their appearance on the hill-top, and that every man in the vast area will come together in thousands and tens of thousands, and say to the landlord, 'You can go no further. This man is our brother—this man is our neighbour—this man has a better right to the earth than the extravagant landlord, and we shall not allow this man to be disturbed—we shall not allow one hair of his head to be disturbed—we shall not allow his farm to be taken from him—we shall not allow his children to be thrown out on the world—we shall not allow his aged father to be driven upon the mercy of the waves (great cheering, and cries of 'never') by any tyrant, no matter who he is. Well, my friends, it is only by union and organization you can accomplish this. By this union and organization you can accomplish all I say, and very much more than I have told you. Then I ask must he not be a grossly selfish man who would stand aloof from a great movement, which promises this. It is those rotten men—those vile bad men—help themselves and themselves alone (Voices—'We won't let them.') They sneer at the men like Mr. Kelly beyond, who has done a great deal (cheers). (Voices—'Such fellows that went to serve the processes the other day. They had to go home quick. We were the boys that were able to do it. Down with them') (great cheering.)"

That voice is from the crowd?—Yes.

Now, Mr. J. W. Walsh spoke—at the beginning of page 11?—He did.

Now go to page 12 of his speech, line 5—"I want every man of you"? (*Witness* reads)—"I want every man of you to go to the Secretary of the League and become enrolled as members of the League. Above all, bear in mind that the land is your God-given right; that the land is yours, and that no power or people have a right to it. As a proof, in all other countries the land is owned by the people. In France, before the revolution, it was owned by six thousand, and now it is in the hands of nine millions (Mr. Nally—'Cheers for the French Revolution'.) (A voice—'They were never better soldiers than the Irish; cheers for them.')"

Now line 29—"Do not allow"?—(*Witness* reads)—"Do not allow the harvest to be dragged from you as it had been for centuries. Do not

allow the produce to go to London and Paris, to Baden-Baden and Rhine-land, to be spent in gambling dens. I ask you to keep a firm grip on the harvest and to pay the shopkeeper, to pay the merchant from whom you got goods to support your family and send them to school, and if anything remain you may do as you like with it."

Mr. Nally made a speech—at page 15?—Yes.

But stop a moment. At the end of the last speech—page 13, on line 9, read from "Do not speak to him"?—(*Witness* reads)—"Do not speak to him, but treat him as the enemy of the Irish people (a voice—'Give him the ball')."

And there is some poetry after that. Now go to page 15, Nally's speech, and read it?—(*Witness* reads)—"Notwithstanding a fellow named Churchill, in London—I believe his mother was an honest woman—he had the audacity to bring my name before the House of Commons, and ask why I had the audacity to go out through the country and spread the light. Mr. Forster gave him a nice snub. He told him to go home to his mamma and see that they sold no more buttermilk. I tell you neither Churchill nor the bloody Bodkin, no matter who he is, they will not deter me to spread the light, and put down landlordism. As I said before, I was not introduced because I was known. I said before I mentioned—(a voice—'Do you think would pills operate on him?') Or to make, I do not care which"—(there were breaks here)—"which would ye say, men of Roscommon; which would ye say, either Lanty More (alluding to Mr. Launcellet Clarke, witness in the late trial for the murder of Mr. Young, near Castlerea), and the person who kept him in his employment? Oh, they were worse than Churchill. (Nally then read from a list giving old rent and present rent, of which the following are examples):—John M'Clean, old rent, £5 10*s.*; rent, £10. As I read the names you can give me hearty groans. Cormac Warde, old rent, £10 10*s.*; rack rent, £12. Cormack, if he is here, tell him that I told him not to pay a halfpenny at all this year. Thomas Maxwell, from £8 to £22. You see it is worse we are getting. Well I tell you now that just in conclusion, I have to say that on several platforms that I have been the medium of conveying to the people at large about these rack-renting scoundrels—and I have to speak about them, and be they my father or mother, or anyone belonging to me—it is my firm belief that the land of Ireland is for the people of Ireland, and that any man who is worth £100 should not be allowed to exist to see his fellow-countrymen go without shoes or stockings; I believe he could not be an honest man. I appeal to you to swear before High Heaven that you will abolish landlordism. Let ye unite and organize, and say like this: 'If that field there is unoccupied on account of rack-rents, we will have nothing to do with it, and we will shun that man'"—(a break)—"'and look upon him as worse than the robber who pierced Christ on the cross.' I hope my words will reach from one end of Roscommon to the other, and that they will penetrate across the ocean."

Mr. *M'Laughlin.*—I want you to read one paragraph from the speech of Mr. Matthew Harris, page 5, commencing at line 7. It begins, "If your crop has been a failure"?—(*Witness* reads)—"If your crop has been a failure, he comes and seizes upon the hay that you have for the rent"——

Mr. *M'Laughlin.*—That is the landlord?—*Witness*—Yes. (Reads)—"I must have my rent; you may starve, you may sink down in your misery, you may go naked, I must have my rent—I must have my pound of flesh. And this man is called and calls himself a Christian." ("Down with him.")

Mr. *M'Laughlin.*—That was from the crowd?—Yes. (Reads)—"Such calls himself a Christian, and when he kneels down in the morning and night and repeats the Lord's Prayer, he says, 'Give us this day our daily bread,' and he refuses that bread that he asks from the great Creator—he refuses the poor man—he refuses his fellow worm who extracts from the fruitful earth that bread which God Almighty has given in His charity. And this man calls himself a Christian, and he calls himself an Irishman, and he appeals to justice, and he says he is right. But I tell him that no man ever had a right to oppress, or grind down, or humiliate his fellow man. Therefore, my friends, I ask you to-day, as I have already asked an hundred times, that you shall unite together against this gross system. It strikes at our country. It is decimating our country, it is decimating our friends, it is sending our best men and women across the Atlantic, and scattering them throughout the world (cheers)."

Mr. *Curran.*—Refer to Nally's speech. I have just one question to ask you. I believe as a matter of fact Nally did not propose or second a resolution there?—He did not.

Now, go down to line 32?—Yes.

You see—"Now we will shun that man"—there is a break there?—Yes.—"If that field there is unoccupied on account of rack rents, we will have nothing to do with it, and we will shun that man"—(there is a break here).

What caused that break?—It was raining, and I could not take it down. I was on the ground too, and could not rightly hear what was said.

Will you swear what was the antecedent of the word "him"—"and look upon him" if there was a break?—I will not.

Will you swear to whom he was referring at all—on your oath, now constable?—Yes, the man who took the fields and occupied the lands.

Didn't you say you did not hear the sentence immediately before that sentence?—I say there is a break here in consequence of my not hearing what was said.

Exactly, and you do not know what he was alluding to when that break occurred? "We will have nothing to do with it, and shun that man"?—I suppose it's that man.

You suppose that, but will you swear that in the next sentence the "him" referred to that man?—I could not swear to it. I could not swear to more than that.

The Court here adjourned. On resuming,

Mr. *Porter* said—Now we will go to the meeting at Ballintubber, county Roscommon, held on the 8th August, 1880—did you report that meeting?—I reported it.

Who was chairman there?—Mr. Martin O'Connor.

The traversers—Mr M. M. O'Sullivan, Mr. J. W. Walsh, and Mr. J. W. Nally were there?—Yes.

Was there a speaker there of the name of Michael Fitzpatrick—on page 5 of the print?—Yes.

Did you report his speech?—I did.

Go to line 24, page 5—"Oh God, look at this"?—(*Witness* reads)—"Oh God, look at this! What has agitation ever brought a nation a voice, 'One of Scrab's pills')? I am not in favour of kings or queens, it is a Republic we want; I'll ask you to give three cheers for it (cheers). (Mr. Nally—'Cheers for the French Republic,') cheers. Though last, not least, the Irish Republic. I was in the House of Commons"——

Well, you need not mind reading that. Go to page 6, the speech of

Mr. M. M. O'Sullivan, line 21—"We ask you now to pay"?—(*Witness* reads)—"We ask you now to pay no rent whatever, until we have legislation on this question."

Now go to page 7, line 10—"I do not wish that human blood"?—(*Witness* reads)—"I do not wish that human blood should be shed in any shape or form, if you can gain your rights without it. But by all means gain your liberty, and your manhood, continue in this agitation. We have brought the landlords to their knees."

That will do. Now go to the speech of Mr. J. W. Walsh. It begins at page 9. Commence at the top of page 10—"I have heard people"?—(*Witness* reads)—"I have heard people speak of good landlords. I never met one."

Now go to line 16—"Now we stand here fearlessly"?—(*Witness* reads)—"Now we stand here fearlessly to ask you to pay no rent at all. . . . . I am sure the people of Ballintubber will not be behind the people of Ireland. I hereby to-day call upon you, Irishmen, in the name of humanity, in the name of your struggling countrymen the world over, each and every man on the townland in which a tenant is evicted, to go to the landlord and say, 'We have made up our minds to pay no rent until the man is restored.'"

From line 42, foot of the page, "This is a great movement"?—(*Witness* reads)—"This is a great movement. It is a movement of the people. It is no longer Parnellism, or Davittism; it is the stern will of the people demanding the land God made for them, and you are as well entitled to the broad acres, which are now occupied by some land thief. The land belongs to the people, and no man can deprive you of it. Before I conclude I have to ask you, that each and every one of you will, before you go home, enrol yourselves in the Land League; you must show you are determined to work with us in brotherly love. In working with us you are working for brotherly love, and for humanity the world over. Then I beg you, even if you have to beg the money, to join the Land League. I ask you to go at once and pay your shilling. Do not imagine we come to beg money from you. We only ask one shilling in the year, and in return, within the coming fortnight, the Secretary of the Branch will hand you a card or ticket, and that card I recommend you to wear in your hats (cheers). Now there is a great benefit to be derived by people wearing these publicly, because you will have an opportunity of knowing who is your friend, and who is your enemy. We want you to do it to-day, and where the vanguard will rest to-day, the rere will rest to-morrow. I want each and every one of you to become members of the League."

Now turn to the speech of J. W. Nally, page 12; read the speech, it is not long?—(*Witness* reads)—"Well, men of Roscommon and surrounding districts, I did not come here specially to propose this resolution; I thought it would be proposed by some other one; it is not the resolution that I have in my hand, is not the one I have been in the habit of proposing. The one I have been in the habit of proposing is the one that condemns persons taking the lands of others. Well, what is the use of addressing such resolutions, when I know that parties have been taking the land from which people have been put out. I ask you if anyone offers more than £2 for these meadows, I look upon him as an enemy of the nation. Now, let ye bind yourselves together. I heard there were some meadows round here to be let. Offer them 2*d*., that is the only way to bring these graziers, these land sharks, these land thieves, to bring them to their knees. I came here to-day. This resolution, in defiance of Churchill, in defiance of Stanford. I have not

come here to make a speech, because too much speechifying is not good Resolved—That we, the people of this assembly, in public meeting as sembled, take this opportunity of denouncing the conduct of landlords who, in violation of those manly laws which should guide the conduct of life, give support to these infamous men, these informers, such as Lanty More (L. Clarke)."

Is that the end of the resolution?—It is. (Reads)—"Down with him (great groaning). Cheers for Weldon and M'Hugh (cheers). Now, before I have finished, my fellow-countrymen, which do you think Lanty More worse than Sandford Wills?'

Who is Lanty More?—I heard he was Launcelot Clarke, the witness in the murder case of Mr. Young.

Did O'Sullivan speak again after that speech of Nally's?—Yes.

Read from line 11—"We will not stop"?—(*Witness* reads)—"We will not stop until we render the land from which a tenant has been evicted not worth one penny to the landlord; we will cut off the supplies unless they come to terms with us. We are the millions, they are the few. If they want to be fed let them labour themselves. Avoid persons who would take land as a bloodsucker, if he comes into the chapel keep away from him, and if he follows you do not touch him (cheers)."

Very well; that is all I have to ask you about that meeting.

Mr. *Nolan.*—Lanty More, he was a Fenian informer, I believe?—I don't know.

You heard he was?—No.

You never heard that?—No, I did not.

Are you aware that M'Hugh and Weldon were acquitted?—No.

Mind, I defended those men and know all about it?—I heard, my lord, that he was a witness in that case—I never heard he was a Fenian informer.

Oh, you heard he was an informer. You draw a distinction between an informer and a Fenian informer?—I heard it stated in the paper.

And are you aware that those men were taken to prison and kept there for a year and a half without being brought to trial?

Mr. *Porter.*—Oh, no.

Mr. Justice FITZGERALD.—Don't answer that question at all.

Mr. *Nolan.*—Well, I will pass away from that, but I must say it was an unconstitutional proceeding altogether. Now, in Michael Fitzpatrick's speech, commence reading at line 7—"Fellow countrymen"?—(*Witness* reads)—"Fellow countrymen, I was in the House of Commons, and for six weeks never lost a night, without being hearing the arguments brought forward by the most eloquent men, men who did not hear one word the whole night came and voted against it, not because it was bad, but simply because it was Irish."

And now I want you to read at line 28, where you left off before—just read two lines—"I was in the House of Commons"?—(*Witness* reads)—"I was in the House of Commons when the Secret Service Votes came on, the most powerful arguments were put forward by Butt and Gray, who said it was a curse."

That is all I have to ask you.

Mr. *Porter.*—Before you are further cross-examined I want you to read a resolution—it is not a speech, but merely a resolution—moved by Edward O'Connor—page 8?—(*Witness* reads)—"Resolved—That we shall regard any man who will prop up the crumbling edifice of landlordism by taking lands which has been rendered accursed by being the scene of an eviction, as a social outcast, to be shunned by all and viewed with feelings of abhorrence."

Mr. *Adams.*—Look at Mr. O'Sullivan's second speech—just read the

first few sentences—"There is one great evil"?—(*Witness* reads)—"There is one great evil in this country which has not been touched upon to-day, it is the evil of absenteeism. The absentee landlords bring six million pounds out of the country. I am not speaking of these landlords who spend part of their time out of the country. Take that, since the Union, eighty years ago, 480 millions of money, put that into the country to-day without its interest at all, and what a wealthy nation will you not make Ireland. Belgium is not one-third the size of Ireland, and yet its population is almost as large. What is the reason of this? Because almost every man is his own landlord."

That will do. Now, I want to ask you two questions. Have you recorded in the report the time the meeting commenced and ended?—I have not.

Are you sure of that?—Quite sure of it.

Do you know how long the meeting did last as a matter of fact?—I should say it lasted an hour and a quarter, but I don't know, except from memory.

Did it last two hours and a half?—No, sir; I don't think it did.

Did it last two hours?—I won't say it did.

How long—if you read your report in your hand as slowly as an ordinary speaker delivered it, how long would it take you—would it take twenty minutes?—It would.

Mr. Justice FITZGERALD.—Do you mean the whole of it?

Mr. *Adams*.—I mean the whole of it. Would it take half an hour?—I think it would take about three-quarters.

If the meeting lasted an hour and a quarter, and your report would be read in three-quarters, it is unnecessary to go into a calculation.

Mr. *Dillon*.—Go to page 9 of Mr. J. W. Walsh's speech, line 10—read that?—(*Witness* reads)—"You have shown you are determined to root out periodical famines, famines which are attributed to a surplus population. Who can say we have an over-population. Sir Robert Kane has refuted that when he says:—'Ireland is capable of supporting twenty millions of people in ease and comfort.' And Addison says it is capable of supporting forty millions. Then those who say we have a surplus population lie, and they know it."

Now go to page 10, line 10—"We shall have a settlement of the land question as they had in glorious France"?—(*Witness* reads)—"We shall have a settlement of the land question as they had in glorious France. The system they have now in France is peasant proprietary—hence the prosperity of France"——

That's enough.

Mr. *Curran*.—How many pages of printed matter have you of this meeting?—Fifteen, but they are not all full pages.

What comes after 12?—13.

What is on page 15?—Only one resolution—No, a few words; only a few words from Mr. M. O'Sullivan.

At what stage of the proceedings did Nally speak?—At the end of the proceedings.

I see; and did you remark Mr. O'Sullivan endeavouring to prevent Nally from speaking?—I did, and also I remarked him at the beginning of the meeting—Nally put forward a resolution and Mr. O'Sullivan said they would not put it.

And, as a matter of fact, was there found anyone at the meeting to second the resolution?—Not one.

Mr. *Porter*.—Both Mr. O'Sullivan and Walsh spoke after Nally?—They only said a few words.

Now go to the meeting at Caherlistrane, Co. Galway, held on Sunday, the 5th September. Who was in the chair at that meeting?—Matthew Bligh.

Was Gordon, one of the traversers, there?—He was.

Now turn to his speech—he made two, I believe—but I only want the first one, page 6. Now I want you to begin at page 7, line 33—"Pay what may be fair"?—(*Witness* reads)—"Pay what may be fair in the form of rent until the hour arrive—and I hope it is not far off—when the people of Ireland shall stand up and declare that the land of Ireland belongs to us, that we are determined to maintain it, and that it belongs to no aristocratic robbers. I say that here to-day on this platform, as my friend Mr. Walsh says, that the shepherd should be with his flock. But I tell you that the flock here to-day is not scattered, and if the shepherd does not wish to be here let him stop at home and mind the flock which he has been placed over. I ask, Why he is not here? I say he is bound to be here to advocate for his people justice. I ask you, What protection do they give? They give protection to the few, while they allow the millions to perish. There has been a return asked in the House of Commons the other night for the number of cattle slaughtered in Ireland maliciously the last two years. I say the cowardly fellow who would slaughter the sheep belonging to the landlord would not have the courage to slaughter the landlord himself. I tell you I'd neither injure the sheep or cow of the land robber who threw me on the world to starve. I would say with the fellow who had his white trousers destroyed by a mad dog, 'I will neither beat you nor abuse you, but I will cry mad dog till the people hunt you down and kill you;' and they did so (cheers). I ask you to proclaim here before the world, before the eye of the Government that you are of God, that you will hold a firm grip of the harvest and resist the robber. The law says you are bound to protect your homes from the night robber, and I fail to see the difference between the night robber and the land robber."

Now line 17 on the same page, "In conclusion, I say,"?—(*Witness* reads)—"In conclusion, I say, my friends, I will ask you now to join under the Land League, to appoint your president, secretary, and committee. Let no man in this parish be a cripple in the cause. Let there be a list taken of every man in the village, and no matter whether he joins or not you will know the black sheep. I will now ask you to put up your hands, as a pledge before high Heaven that any man"—(through noise and talking the remainder of the sentence was lost, but I believe it referred to taking lands from which others have been evicted.) "Be ready at the cause to strike a blow for Ireland's rights, and rise or fall in the glorious cause of Ireland's freedom."

There were a good many other speakers at that meeting?—Yes.

Mr. *M'Laughlin.*—I want to ask a question. Look at the first page of Mr. Nally's speech—that is page 6, and commence at line 25. Read on, if you please, from this passage, "The most prosperous tenants are brought down to beggary already"?—(*Witness* reads)—"The most prosperous tenants are brought down to beggary already, whilst the land of their birth sent thousands of bushels of corn, and it has been taken away from us. It is said that our extravagance is the cause of all this. ('No, no.') I know several persons who carried for years stones on their backs to lay down the foundation of a cabin, and he is now asked to pay £6 instead of £2 12*s.* The robbery is on the landlord side. I say it is better to fight for the land of your birth than die starving in the workhouse. I would take it as a choice. Though young,

I can remember and will remember until I go to my grave, the scenes of the people in that town who were carried in mats to their graves without a coffin. Are you, my friends, to-day contented under that system of robbery and wrong? No, I say the honest tenant must look back to the years he has spent on the land and see what he has for it. No, poverty is staring you in the face. Last year was considered a bad one, but this will be worse. The banks are closed against you. The land robber has his hand stretched out for the harvest (groans.) Say we have sown the seeds by our labour and it is our own. I ask you to abolish that system which the Government has approved of —the system of hunger. I ask you to pay the shopkeeper, and if anyone waits let the landlord wait. We are told, my friends, that the only system for the people of Ireland to-day is that half of them be sent away from our shores, like in former times. The father gives his blessing to his children, and his seven curses on the land robber. And Dr. Cahill one time met a poor man with his two grandchildren on his back and by his side a dog. He asked him what was wrong. He said, my son is gone to America, my daughter died of fright, and I have the children and the dog. The dog jumped up and the priest asked what was wrong; and the old man said, the dog itself jumped up at the name of the landlord."

What was the name of the chairman of that meeting?—Martin Bligh.

Have you a report of his speech?—I have.

Let me see what length it is?

Mr. *Porter*.—It is only six lines.

Witness.—He only said a few words.

Now let me see it also, for I have a report of it here—was it in the first or the second speech he denounces the maiming of cattle?—In the second speech.

Well, just read me that passage?

Mr. *Porter*.—Go to page 12.

Mr. *M'Laughlin*.—Read the whole of it?—(*Witness* reading)—"I thank you all for the kind attention you have paid to me when the speakers were speaking. I hope nothing will change your minds from what you have heard here. You have got a good sound advice, as I am of opinion, about stone-throwing at policemen. I beg of this above all others. He is a Government man, he must do his duty, they are our brothers, and many times they have saved us from many troubles. Because you tell the people of England that you must be kicking up rows every day and that you must be kept down with the strong hand of the law. And, therefore, I say, if you go quiet and easy you will get what you are trying to get, and perhaps more. Mr. Murphy, the secretary, will take down the names that wish to join the Land League in the parish of Caherlistrane. There is another thing—night work—going about at night houghing horses and cattle (groans and cries of 'silence.') There is no use in it. What will the Government do? They will simply pass a law that will do more harm to the cause we have here today than anything else. Some of you do not wish it, I know, but if you only jog your memory you will find out you cannot bully England. (Great groaning and uproar, in which the speaker had to desist.)"

Mr. *M'Laughlin*.—And so he did at the same time, I suppose?—Yes.

Mr. *Porter*.—Did you attend the Land League meeting in Kilconly, in the county Galway?—I did.

On Sunday, 19th September, 1880?—Yes.

Did you observe any of the banners that were at that meeting?—Yes.

Tell me the inscriptions on them, if you can do so?—There was a

banner with this inscription: "Brave men and true we have work to do, and do not idly groan; but work with me to get your rights, and trust yourselves alone." "Ireland awake, when Kilmaine boys strike. God save Ireland." Another banner had on it "Now or never, now and for ever. God save Ireland." A small banner, "I will cock my musket, says the Shan Van Voght." On the top of this banner there was a representation of a man with a pistol in his hand.

Mr. P. J. Gordon was there?—He was.

Read the resolution, page 5, proposed by Mr. John O'Neill?—(*Witness* reads)—"We, the tenant farmers of Kilconly, hereby pledge ourselves not to pay rent during the coming winter without a fair and satisfactory reduction, same to be approved of by a select committee of ourselves."

Did Mr. Gordon make a long speech at that meeting?—He did.

Turn to the top of page 6, line 2, and read it?—(*Witness* reads)—"Not a single landlord in Ireland subscribed £5 for the relief."

Go to line 31 in the same page—"There is a case too"?—(*Witness* reads)—"There is a case too which I noticed the other day in the *Freeman*. You may have heard a few months ago that some land robber in the county Meath, I believe, or some county in Ireland, went to act the bully, and shot down one of the tenants. That man was brought up, and the judge of the assizes said that the law was made clear that every man is bound to protect himself, even in taking down of the life of another. And if that is good law I say the tenants ought to adopt it. But I am quoting the words of the judge, and if the judge was wrong it is not my fault. I tell you to resist tyranny, even at the cost of your life; and I tell you, as I have said already at many meetings, that it is better to die fighting than die in the workhouse. Do not be as the people in '47 and '48, when they died on the roadside, and were buried without even a coffin."

Read now from line 49—"The Land League"?—(*Witness* reads)—"The Land League will protect you in the hour of need, even if the landlord will enforce an eviction"—(There is a break there)—"I will ask you again to proclaim here to-day, as honest men before God, not to give up your land without a struggle. (A voice—'Not at the point of the bayonet).' I will ask you here, my friends, to repeat the pledge you have made at several meetings."

That will do. Go to page 8, line 10—"I do not fall out"?—(*Witness* reads)—"I do not fall out with the man who says that the best way to get shut of that cursed system in Ireland is at the point of the bayonet. I tell you here to-day that if he be prepared to carry it out at the point of the bayonet I am prepared to follow him. I will ask you to watch parties who go about you, who pretend to be your friends. The Government of England have detectives amongst you. They are here; they are on the platform. You should also have your detectives, and I ask you to watch yourselves, for the hour is approaching"—(The remainder was lost in the shouts).

Next go to the Abbeyknockmoy, county Galway, meeting, held on the 3rd October, 1880?—I have it.

Was Mr. P. J. Gordon there?—He was.

And did he speak at it?—He did.

And you reported him?—Yes.

His first speech commences at page 8; now, begin on line 13 in that page, "I heard an amount of praise given"?—(*Witness* reads)—"I heard an amount of praise given to some landlords, but unfortunately in Ireland a good landlord is as scarce as a white blackbird. I have known one landlord since I was born, in Tuam, and his name sinks deep

into my heart. I will not screen the name of that land robber, Robert Henry, of Togher. I have seen him yesterday in Tuam with a very smooth face upon him, and they say the greater the rogue the smoother he goes. He is one of those land sharks. When I see before me the motto of that independent nation, the stars and stripes, I hope and trust that the day will yet arrive when the stars and stripes of Ireland will float on the hill-tops of Ireland."

Where is this place, Abbeyknockmoy?—Near Tuam.

In the county Galway?—Yes.

Read from the two lines at the bottom of page 8?—(*Witness* reads)—"On this day week I had the great honour of attending a meeting at Clonbur. I had no idea of being there until the Rev. Father Conway, the poor man's friend. I received a telegram, because he suspected that the letter did not reach me. Well, when I arrived in Clonbur I had the pleasure of hearing that some great land robber was murdered, or shot himself. The Government of England were murmuring because Mountmorres was shot. I don't approve of murdering anyone, but I say that the Government of England did not go into mourning when the people were starving."

That refers to the murder of Lord Mountmorres?—Yes.

Did you know the date he was murdered?—I did.

Did you see his dead body?—No, but there was a meeting at Clonbur the day after he was shot.

How far is Clonbur from where he was shot?—I think it is about a mile. I heard it was about a mile.

The meeting was held on the 3rd October—that refers to another meeting held before?—Yes.

Now go to page 11 of the same speech line 6?—(*Witness* reads)—"Don't rest contented slaves by the fireside. Wherever you know there is a newspaper to be read, wherever you see that Paudeen O'Rafferty's commandments are read, let ye go there and listen to every word and go home, and . . . that England is here only as a robber."

Go now to line 28, "I will ask you"?—(*Witness* reads) "I will ask you that for the future you will pay no rack-rent; you will hold within the bounds of the Land League, and pay no rack-rent. I know there are land sharks in the village. I will tell you what you will do to him—treat him in the form of a mad dog: and that is, when he appears in the village, every man in the village halloos him until he goes and drowns himself. Do not have any intercourse with him. Do not speak to him; don't speak to his wife and children; and if he go into the chapel let him go into a corner for himself. Let the people of this parish respect their priest, and let them mark out that land shark—point him out to the priest; let him die as I said about Castlerea. He first betrayed his country, and when England had no job for him to do, he went and cut his throat"

Now go to the next page, line 6, and read, "I will ask you to keep"?—(*Witness* reads)—"I will ask you to keep every word you have heard here to-day in your memory. I don't come to meetings for the purpose of being on the platform, but I come here to give a helping hand to proclaim before God on high that this land is ours, and if we cannot get it peaceably, to fight at our own doors for it (a voice, 'cheers for Gordon.' Great cheering)."

Mr. Gordon made a second speech at that meeting—you will find it at page 17?—Yes.

Read from line 35, page 17?—(*Witness* reads)—"The priest has spoken of a minister who has no appointment from God or man. He

stands up to preach over the remains of a dead lord, or a dead dog, if you like. I have been on the spot where he was shot. Why did not the Government mourn over the dead body of the people? I say it is better that one tyrant should fall than that many should perish. I don't wish the murder of anyone, but that he would live and repent. I would much rather that Lord Mountmorres should live and repent. He is gone before his God. Let the Government settle the land question; let them settle the tenants; and, as Paudeen O'Rafferty says, 'He has worked from morning till night, often on yellow stirabout, while he hands over to the landlord every penny he can get.'"

Cross-examined by Mr. *M'Laughlin.*

What was the name of the chairman at that meeting?—The Rev. Henry Cahill.

Did he make a speech?—Yes.

Have you got a report of it?—I have.

Will you let me see it for a moment?—Here it is. I don't know where it begins.

Did he make any allusion to the murder of Lord Mountmorres?—I don't know.

Look at that report you have there. (This is very remarkable, my lords—handing document back to witness). Do you find any allusion to the death of Lord Mountmorres there. Now don't be in a hurry answering, for you will hear more about it. Just see if there is anything omitted from that speech. Do not be in a hurry?

Mr. Justice FITZGERALD.—What is the folio?

Mr. *M'Laughlin.*—Page 2.

Witness (referring to print)—Another priest did, but it was not the chairman.

Was not the Rev. Mr. Eglington there, and did not he speak of it?—He did.

Will you swear that you took an accurate note of the proceedings of that meeting?—I will.

Will you swear the chairman did not speak about it at the beginning—(look at that)?

Attorney-General.—Better ask him——

Mr. *M'Laughlin.*—Wait until you hear the nature of the question. (To witness)—Will you swear, looking at that, that you have not omitted, accidentally or otherwise, that allusion made by the chairman to the murder of the noble lord?—I cannot swear that.

Will you swear that he did not refer to it?—I will swear to the best of my opinion he did not.

Will you go further than that?—No, I will not.

Listen to this (counsel about to read from document)——

The *Attorney-General.*—I beg your pardon. You have got no right——

Mr. *M'Laughlin.*—What are you objecting to?

The *Attorney-General.*—The man says he has no recollection of it.

Mr Justice FITZGERALD.—Yes, he says he has no recollection of it.

Mr. *M'Laughlin.*—But my lord I am pre-eminently entitled to test this man's credibility.

Mr. Justice FITZGERALD.—Not by reading out a passage—(To the witness)—According to your recollection, did he make any reference at all to Lord Mountmorres?—No, my lord, but the Rev. Mr. Eglington did.

Mr. *M'Laughlin* (to witness)—Will you swear positively that the rev. chairman did not allude to the murder of Lord Mountmorres?—I have no recollection of it.

Will you go further than that. Will you undertake to swear he did not?—I will not, but I will swear to the best of my opinion, he did not. And I also wish to say I would be very anxious to put it down if he did say it.

We don't mind your anxiety at all. We deal with facts. You now wish you had put it down. Have you got the Rev. Mr. Eglington's speech there?—I have.

Mr. *Porter*.—You will find what he says at page 15.

Mr. *M'Laughlin*.—I want the Rev. Mr. Eglington's speech?—*Witness*—I have it.

Mr. *M'Laughlin*.—Will you read it, if you please, from page 15, line 10, beginning—"I am a sympathizer."

Witness.—This is what the Rev. Mr. Eglington said, my lord.

(*Witness* reads)—"I am a sympathizer with the Land League and its principles, you know that; but then there are heaped on the head of the Land League crimes with which it had no connection at all. What is said of late in connection with the murder of Mountmorres? Why they said it was the Land League, or some one connected with the Land League. We all must feel sorry for the murder of anyone, whoever he may be. Let it go forth from this platform that we are not a nation thirsting for blood, but a nation trying to work out our own freedom. It has been put forward in public by a minister, a cad of a curate that attended at the burial of Lord Mountmorres in Dublin; it has been put forward that the Irish people are so perverted that they are learned to look with approval on acts of bloodshed. These are the words of that curate: 'We turn to their political leaders to see if there is one amongst them to say a word to make them turn back. There is certainly no attempt on their part to bring them to an end.' This Protestant minister said that they waited and waited in vain to hear the religious teachers of the people utter a protest against these deeds of violence. This is a confounded untruth. Perhaps he is not aware, being a Protestant minister, that the proposition is condemned by the head of the Church which says it is lawful to kill a tyrannical landlord.' The head of the Church says this, and we all must do it. We condemn all acts of violence and of outrage; we ask you to condemn it, and we ask you to-day to condemn the murderer of Lord Mountmorres. Whoever he is condemn him; down with him. He was the worst enemy the Irish ever had. For here it is. The English papers and the Irish too, are shouting out now for coercion. Coerce a race of murderers; why give them liberty. But we want to have no recourse to bloodshed. Do what your respected parish priest has asked you to do, and you are sure to arrive at the end to peace and freedom. Any man who commits a crime put him from amongst you, and it will be the business of the Land League to hold him up and tell his name. We are labouring under laws; they are laws that we would wish to sweep away, but as long as they are laws, let us respect them. Commit no acts of outrage then; join the Land League everyone, big and little. We cannot leave the Land League without paying it a tribute."

Mr. *M'Laughlin*.—That will do. I want to ask you a question. I beg your lordships' pardon for a moment. Now, will you let me read a sentence that I think you read in such a way as to convey a wrong impression. I am reading, my lords, from line 27, "This is a confounded

untruth; perhaps he is not aware being a Protestant minister that the proposition is condemned by the head of the Church, which says it is lawful to kill a tyrannical landlord.

Mr. Justice BARRY.—That is quite plain.

Mr. *M'Laughlin.*—The collocations are most misleading.

Mr. Justice BARRY.—Oh, quite so—it should have been that the proposition that it is lawful to kill a tyrannical landlord is condemned by the head of the Church.

Mr. *M'Laughlin.*—"Perhaps he is not aware that the proposition which says that it is lawful to kill a tyrannical landlord is condemned by the head of the Church." Do you see that line 35—"But we want to have no bloodshed" is collocated with the sentence "To do what your respected parish priest has asked you to do, and you are sure to arrive at the end to peace and freedom. Any man who commits a crime put him from amongst you, and it will be the business of the Land League to hold him up and tell his name." Upon your solemn oath, your memory having been refreshed by that passage, will you now deny that the murder of Lord Mountmorres was not previously condemned?—What I deny is that he did not refer to him by name. I took as correct a note as I could, and he did not refer to him by name.

Will you swear that he did not refer to the murder?—I will swear that he did not refer to the name. I took as correct a note of it as I could.

Mr. *Porter.*—If you refer to the last three lines of your note you will see what there is upon it.

Mr. *M'Laughlin.*—Oh, he did not mention his name. Now, I understand it. Did he refer to the murder at all—answer yes or no?—No; he referred to outrage and murder in general, I believe.

Does not that include murder?—What I say is, that he did not refer to Lord Mountmorres by name, and I am saying that this last half-hour.

Now, do not lose your temper; because I will keep you where you are for another half-hour if I think necessary. Read the passage that you say explains the whole thing. Read the last sentence of Mr. Cahill's speech?—(*Witness* reads)—"Let not a word be spoken in the crowd that would give rise for even a shadow of the assertion the agrarian outrages are the teaching of the Land League."

And you say he referred to outrages and murder in general. Is there a word in that about murder?—I told you from my memory, as well as I could, what he said, and I tell you now I believe that everything he said is in this, and I cannot make any more of it.

Did not you say that he did not refer to Lord Mountmorres by name?—I did.

Do you know what a negative pregnant is?—No; I do not.

Does not that look as if he referred to it in another way than by name?—He referred to outrage in general, I believe.

Did you not say a while ago outrages and murder?—I mean that included everything.

Mr. JUSTICE FITZGERALD.—Did he mention Clonbur by name, or did he mention Lord Mountmorres by name?—No.

Did he mention his name specifically?—No, my lord, he did not.

Except under the head of outrages generally?—Yes, my lord, that's what I mean.

Mr. *Porter.*—It was after the speeches of both these clergymen that Mr. Gordon said this—"I will ask you that for the future you will pay no rack-rent. I know there are land sharks in the village. I will tell

you what you will do to him—treat him in the form of a mad dog, and that is, when he appears in the village every man in the village halloos him until he goes and drowns himself. Do not have any intercourse with him. Do not speak to him; don't speak to his wife and children, and if he go into the chapel let him go into a corner for himself. Let the people of this parish respect their priest, and let them mark out that land shark—point him out to the priest. Let him die as I said about Castlereagh. He first betrayed his country, and when England had no job for him to do he went and cut his throat"?—It was.

Mr. *O'Brien.*—I want shortly, to refer to a matter. Do you know when Lord Mountmorres was murdered?—It was on the Saturday before the 3rd October.

Do you know was there a meeting at Clonbur. That was the next meeting, I believe, after the murder of this nobleman?—It was.

Did you report the proceedings of that meeting?—I did.

Did you give a report of the proceedings at that meeting to the Crown?—I did.

That will do. That is all I'll ask you?—I sent it in, but do not know what they did with it.

Mr. *A. M. Sullivan.*—How long are you reporting?—Something about nine years writing shorthand, and I have been practising on and off ever since.

Were you in the police force when you learned?—I was.

Did you go to meetings for the purpose of practising it?—I never did until I went about twelve months ago.

Will you kindly let me see your book with the report of this meeting? How much would you take of an ordinary speaker at a public meeting—about three quarters?—I would follow an ordinary speaker who spoke at the rate of one hundred and twenty words a minute, and I could take a note of him.

Are you quite sure that you took all of the parish priest?—To the best of my opinion I did.

Mr. *Porter.*—Now the next meeting is printed Clerhoun; but I am told it is Clarne, in the County Galway, on Sunday, the 10th October, 1880. Were you present at that meeting?—I was.

Who was the chairman at that meeting?—Mr. Hyland.

Did you see any pikeheads there?—(Witness refers to his notes.) I have not got a note of it.

Were Mr. P. J. Gordon and Mr. Nally, two of the traversers, present?—Yes.

There were a good number of speakers besides them; it was a large meeting?—It was; there were about three thousand persons there.

Now turn to the speech of Mr. Gordon, at page 4—the fourth line from the top?"—(*Witness* reads)—"I have come amongst you to give you a helping hand to uproot that system of land robbery which has left us a poor nation, and I have come amongst you to ask you here to-day to pledge yourself before the God of Creation that no man in this parish, from this day forth, shall take any land from which another has been evicted. I will ask you to pledge yourselves by raising your right hand as a signal, as a solemn pledge before your God, and if you violate that pledge, I pray that you shall send yourself to perdition."

Now go to the next page, page 5, line 6?—(*Witness* reads)—"I ask you to combine together and swear before God on High that you are determined to stick to the land of your birth. Why is it at this time of poverty and distress that you have not your priest on this platform

to-day as your chairman? (groans.) I don't want you to groan him, but I want you to teach him a lesson. I am a Catholic, devoted to the Church of Rome, and to-morrow, if my church were in danger, I'd be one of the first to fight for her; and when the late Pope wanted soldiers in the field, I can truly boast that I was the first recruit in the county Galway. My ambition is to see my people free—to see them in the land of their birth; and my ambition is to see the priest with the people. And when the priest wrongs the people I am the first man to denounce him on the platform. Perhaps you do not know why he is not here to-day. Perhaps you are not aware that he is a landlord. At the late election in Roscommon I had been invited to a meeting, and the priest, a Patrick's Day, spoke from the altar of me, and he gave me my Patrick's pot. I made up my mind to go to his parish on Easter Sunday, and I gave him his Easter eggs. I told the people to hold their shillings in their pockets, and let him go live on his £9,000, and the result was that all the collection he got was 16*s*. I will ask you here to-day to teach this new parish priest a lesson, and you will find the next meeting you will get up he will invite himself as chairman."

Very well; now go to page 6, on the second line from the top?—(*Witness* reads)—"There is another landlord in this locality—Mr. Browne, of Clarne—and if he had his windows open he would almost hear me here. He refused to give any reduction to the tenants, and gave them no assistance in this present time. And what are the tenants to do? I tell the tenants here plainly, and in as plain language as I can use, in the presence of my friend the Government reporter, not to give him a penny at all if he refuse to take what will support him. Hold the harvest—hold the rent—and if you are evicted I will ask the neighbours to put you in again. If the land-robber come again to put you out, the Land League will take you up and build a cabin on the roadside, and watch your farm."

Now go to page 7, line 12?—(*Witness* reads)—"I have travelled almost the three countries, and I tell you wherever I got an opportunity I never screened him for a moment"—(there is a break here)—"and grabber let ye treat him as I tell you." Mr. Nally.—"Groaning is nothing at all. Take him very quietly away. You know where to put him." Mr. Gordon continued.—"There was a soldier once who had a white trousers, and a dog went into the river and shook the dirt on his trousers. The soldier said—I will neither beat you nor tease you, but I will halloo mad dog. Let ye halloo mad dog after him. Have no communication whatever; if he have a shop let ye shun him as ye would the devil. Murty Hynes threw up his farm. Why did he do so? It is because the people assembled in their thousands; they tumbled the ditches, and scattered the wall, and sent Murty round the village."

That will do; now go to the speech of Mr. Nally, which you will find beginning at the top?—(*Witness* reads)—"Well, my friends, I am called upon on this occasion to propose a resolution. I knew nothing about coming here specially to see if I would spread the light in these mountain passes. Where is your priest to-day? They will be with you on Easter Sunday, as they will on Christmas Day. My boys, hold the harvest. Let ye bind it and say that ye will keep a firm grip on your homesteads. Too long have we suffered with these parties. I will call them as I will call these absentee landlords. I will not call them that, though as long as they live amongst us we will have to give them a little, but let it be cut, let it be small. Instead of giving them two stooks let ye give them a sheaf. I believe I

was one of the first in Connaught that proposed a resolution in Irishtown the time this agitation was commenced. It was something tantamount to the one I am going to read for you now. I say now, once and for ever, away with resolutions, away with speechifying, away with anything, but let them get in, but let each and every man in the village from which a farm has been taken, let him come for the pills and pills only (a voice—'Holloway's ointment')." Mr. Nally—"That is too mild. When the pills will go they will want no ointment. I know there are amongst the crowds here land grabbers, land thieves, worse than the landlords. The money you have earned in England has been sent to be spent out of the country. . . . (there is a break after 'country.') This man is going to the bad, that man is going to the bad. I want a couple of acres. Oh, are ye Irishmen? Ah, sad to say, ye are not; like the bundle of sticks, join together all. What is the use of me going from platform to platform. . . . . (another break). Land grabbers are a thousand times worse than the landlords. Who amongst you will take a beast to the fair? You will get £10 or £12; you will get £3 or £4 over your own valuation. Is the landlord to be blamed? Is he to be blamed? No, but the land sharks; and there are some of them—I will have to read their names. I want to bring those landlords that we are sending off to England, the yellow boys, to come back and handle a spade and shovel for a while. I'd have ye to unite, and without organization we cannot get total separation from that hated, that detested, that blasted Government that we are under at present. It is very easy for us to talk in open air and say we will do this or that, while some of the most enthusiastic amongst you will go in for land that has been surrendered for non-payment of rent. When we get fellows amongst us like the seven brothers we can smash them. But keep together, keep strong; dynamite and gun-cotton will scatter them to pieces. I will mention names for the edification of the crowd. I suppose ye all know a man named Bottrell. Is there any one amongst you there that would wish to have that land laid waste? If any of these names are here to say a word allow them come on the platform. Is there any man named Pat Davis, from (I don't know where he said). Is he a land grabber? John Tully, what about him for being a land grabber? Well, what will ye do to him?" (*A voice.*—"Give him pills.") Mr. Nally.—"What about another named Keane? Where is he? Many a good son reared a bad father. What about another man named Mr. Keating? Pat Davis, is he guilty? J. Casy." (*A voice.*—"We have another named Hackett.") Mr. Nally.—"Well, my friends and fellow-countrymen, as there are some other parties to speak after me, I did not come here to speak, but I had a few words to say. But I want to tell you, do you like to unite and organize? Our meetings are like a drop of water on the ocean unless ye get the pills. The resolution:—'Resolved —That we stand firm in the conviction that the landlords will attempt to seize the harvest at the coming season for the payment of rack-rents, which harvest was raised by the people's industry, together with the charitable donations of the outside world. We here pledge ourselves to use every means to hold the harvest for the preservation of our families.' Now, in conclusion, my fellow-countrymen, I hope ye won't be led away by joining the Land League or any other league, but join the league, freedom league to hold the harvest; and how will you do it? Ah! you will have to do it at the point. Unity and organization, for without unity there is not strength. And if you do it, I implore of you to do it. Because this will be the last platform I will stand upon, until I see the

manhood of Ireland, to keep the firm grip against those blasted and detested landlords that are living in the back lanes and back scums of England. I thought that was the last I had to say, because I am a little hoarse. But still, I think I am a little better."

Cross-examined by Mr. *Curran.*

Now, was that resolution seconded by Mr. Higgins?—Yes, it was.

And several other speakers spoke after it. Who did you say seconded it?—Mr. Higgins.

Let me see Mr. Higgins' speech?—Yes.

Please read that speech of Mr. Higgins'?—(*Witness* reads)—"Mr. Patrick Higgins, in seconding the resolution, said:—People of Galway and Mayo, in seconding the resolution which has been proposed by my friend Mr. Nally, I will trespass on you for a few words regarding this movement—the land movement. All the movements of the past, intended to keep you from oppression, the present movement is the best for the able and indomitable will of a Parnell, and the grand achievement of a Davitt. To attain the object in view, you must be united, and in one accord in supporting branches of that grand institution the Land League, is the surest means to consolidate us in one which will enable us to scatter our relentless enemy."—(There is a break there.)—"I will give you one instance of landlord oppression, which happened in the town of Cong, more than a year ago—a case of eviction, where many pounds had been expended on the man's dwelling, and the parties were evicted. And are now for the third time in Castlebar gaol. Their mother was carried off yesterday, though being eighty years of age, for the crime of being a trespasser in her son's house. (*Voices.*—'That is XX.') That is not all my friends. What is to become of the aged and childish lone father, of about eighty-eight years, without food or means. His turn is to come yet, and God defend the right. It is to be hoped that all Irish landlords will not follow such an example. That landlord was set up as an example to other landlords. (A *Voice.*—He was by the priest.) But my friends, it is only the philanthropic pen of a Redpath that can give you a faint idea of landlordism. It has been the ruin of our race, and henceforth, Irishmen should be determined to give it no quarter."

That will do. Mr. Nally was allowed to speak during the meeting?—Yes.

And I believe he was—to dissuade the people from joining the Land League, and to join his own league?—It would appear from his speech that he did.

Then he dissuaded them from joining the Land League. Now, I suppose he was in his usual state that day?—Well, I think ——. I do not recollect anything wrong with him more than usual.

Do you agree with him that many a good son reared a bad father?—No answer.

On your oath do you agree with him?—I do not think that any good son could rear a bad father at all.

Cross-examined by Mr. *A. M. Sullivan.*

Now, in reference to a question asked by the Crown—were many people armed with pikes?—I did not see any of them.

Then where did they carry the pike heads—in their pockets was it?—I did not see the pikes at all.

Mr. *Porter.*—I asked him the question.

Mr. Justice FITZGERALD.—He stated that he did not see any.

Mr. *Sullivan.*—I thought he said he saw them. I must have mistaken the answer.

Mr. *M'Laughlin.*—I fell into the same mistake, it is only right to say.

Mr. *O'Brien.*—So did I.

Mr. *M'Laughlin.*—We are behind the witness, my lord.

Re-examined by Mr. *Porter.*

You were asked about Mr. Nally—about his usual condition. Did he appear to perfectly understand what he was doing that day?—Yes.

Had he any appearance of being drunk at all?—No.

Did Mr. Gordon make a second speech?—He did.

Did he refer to Mr. Nally?—Yes.

Just look at line 22 of his speech?—(*Witness* reads)—"You have been pledged to keep away from any shopkeeper who would not support the Land League, and, as my friend, Mr. Nally, said, I for one do not care if it was my father that is a land shark, I will come upon the platform and denounce him by name."

Cross-examined by Mr. *Curran.*

Did you know any of the people who were at that meeting?—I did not.

Didn't you know that it was merely a local meeting and unattended by any gentleman from Dublin?—No.

Is it not a fact?—It is a fact.

Re-examined by Mr. *Porter.*

Did you not attend the Carraroe, County Galway, meeting on the 17th October?—I did.

Was Mr. Sheridan, one of the traversers, there?—He was.

Did he make a speech?—He did.

Look at page 4; just begin at the beginning of his speeeh and read a couple of lines?—(*Witness* reads)—"Rev. Chairman, and men and women of Ireland, it affords me great pleasure, as a delegate from the Land League, to come here on the track of my friend Mr. Davitt, and strengthen the brave peasants of the west."

And at the last line at the bottom of the page—(*Witness* reads)—"I would say the first duty you owe yourselves and the Irish National Land League, say the first duty, is to establish a branch of the League. Every man should at once contribute his mite and enrol himself in the League, and by these means you will evince the strength and manhood of Connemara, and you will find yourselves by-and-by that, even by living within the constitution, you will find your power resistless. If any man is listening to me who is not enrolled I would ask him to do so at once. I earnestly trust no man will be found amongst you to take and bid for the land of another. Let no man touch it; let it remain there, and by this means you will be beating down by a constitutional process the greatest evil which exists in the whole land system of Ireland; that evil which, if not aided by ourselves, would have long since disappeared. They never could accomplish the ends and objects they had in view if they had not other people to go in and bid for their farms. Now let there be no more of this. If any wretch should be found in the community base enough or low enough to take a farm which has been thrown up from inability to pay rent; if any wretch is low enough or disregardful enough to take the farm, I say, if he go to the fair or market,

hiss him, hoot him. If he has a shop, let no man go in and leave 1s. there. Do as they did in Tubbercurry the other day. 'The land grabber, Farrel Caully, has cattle to sell; is there a man in the place to buy them?' The cattle were left unsold, and Caully had to go into his rat-hole."

Very well; that is all I will ask you as to that meeting. Go to the meeting at Shrule, county Mayo, on the 31st October, 1880, which is the last one I will ask you about?—I have it.

There were present Mr. John W. Nally and Mr. R. D. Walsh?——

Mr. *Curran.*—It is not on the schedule.

Mr. *Walker.*—There are two Shrule meetings.

Mr. *Porter.*—There are two. We have one in Galway and another in Mayo. We want to give the Mayo meeting in evidence.

Mr. *Curran.*—But it is not on the schedule.

Mr. *Porter.*—Then if it is not on the schedule I will not press it.

Cross-examined by Mr. *Adams.*

Just one question. How many of these Land League meetings did you report?—I could not answer—perhaps about thirty.

About thirty, and only eleven have been read!

The *Attorney-General.*—We will give you more if you like.

Mr. *Porter.*—I do not suppose the traversers want that.

Mr. CHARLES HERSEE (sworn) examined by Mr. *Molloy.*

You are one of the staff of Messrs. Gurney?—I was sent by them over here.

Did you attend a meeting at Hollyford, county Tipperary, on the 17th October last?—I did.

Did Mr. John Dillon make a speech there?—He did.

At page 8, read from the commencement of his speech?—(*Witness* reads)—"Men of Tipperary—I am glad to see that you have come here to-day—the men of central Tipperary—to declare that you also are for the cause which we have been preaching all throughout Ireland, and which is the cause graven on that banner—that is to say that the Irish land belongs to the Irish people—that it has been taken from them by fraud and force—and that the men of Ireland are to-day determined to take back the land of their fathers. You are here to-day to pledge yourselves that you will enter into that struggle, and not cease from it until you win the victory. I remember a short year ago when this banner was first raised in my native county, the county of Mayo, in the town of Claremorris. That was where the cause was first started. I spoke at that meeting. It was not a very large one, and then we had every one nearly against us, and we were weak in numbers, and our cause looked weak; but now, to-day, fifteen meetings, each larger than this, are assembling in twelve Irish counties, and a hundred thousand Irishmen are to-day assembled on the plains of Ireland to declare that landlordism must go down in Ireland if you are a united and determined people (cheers). This is a cause which every Irishman can go into, whether he be Catholic or Protestant, whether he be a Nationalist or not. It is a cause which the Irish Nationalist can go into, because its object is to break down and defeat the English garrison which holds this country for England. Its object is to clear the path for Irish Nationality, by emancipating all the people of Ireland from the control of English landlordism, and settling them in their own homes as free men. It is a cause which Catholic and Protestant can go into side by side, and shoulder to shoulder, and although efforts have

been made to raise a cry in the North—in Ulster—that the Orangemen of Ulster will oppose this movement, I have been invited to speak in the north of Ulster on next Tuesday, and I have been promised that thirty thousand Ulster men will meet me on the field. I tell you that before three months are out you will see the Protestant farmer of Ulster stand shoulder to shoulder with the Catholic farmer of Tipperary, united in one league, whose motto will be 'Ireland for the Irish people, and down with landlordism' (cheers). I want to put a question now to those assembled here, and it is this: I have been told, and we have all been told, that the people of southern Ireland—of Munster—like landlords. I have been told that they would not like to own their own farms, but like to have landlords over them. All I have to say is, that any Irishman who prefers to remain under a landlord is at perfect liberty to do so. All we desire is to put it in the power of every Irishman who is sick and tired of landlords to get from under them, and we are determined to give them that chance. Whoever wishes to continue paying rent to his landlord, and taking his hat off to his agent, is at perfect liberty to do so, and I will never interfere with him in the enjoyment of that privilege. I do not know whether I speak truly or not, but I mean to tell the Government when I go back to London that the men of Tipperary do not like to be under landlords, and I will tell them furthermore that the men of Tipperary are determined that under landlordism they will no longer remain. If the Government cannot find time during the next year to settle this question the people of Tipperary will settle it for themselves by refusing to pay any more rent. Now, I want to allude to one thing before I explain the programme of the Land League—that is that we in Dublin, the leaders of the Land League, are threatened that we shall be prosecuted and put in prison. Now I want to tell you what the people are to do if Parnell and the other leaders are put in prison by the Government. This is a practical point which may come into use very shortly. What I tell you to do is this, and I tell the people all over Ireland to do it—if Parnell is put in prison knock twenty per cent. off the rent, and fine the landlords by doing so; then if they do not let him out before next gale day, do not pay any rent at all until he is out. Stick to that policy, and believe me they will not keep Parnell long in.

"Now, what is it that we propose to the people of Tipperary? That they are to defend themselves against eviction, to reduce rack-rents, and in the end become possessors of their own farms. We propose to carry out all this by strict organization—not by meetings—not by making speeches—and least of all by trusting to Parliamentary representatives. You must do it by organizing yourselves—by the tenants on each estate organizing themselves, and agreeing and pledging each other to act together. You must meet on each estate and come to an agreement as to what you can fairly pay, and then go in a body to the landlord and say, this much we will pay and no more. You must say to him, then if you will not take this, and give us a clear receipt for all the rent due up to last gale day, we will not give you anything at all. Now, assume that he serves all the tenants with notices of eviction, then comes the test whether the Irish people are men at all or women, because if they are men they will stand together and will not be put down. You must stand together and not allow one man or two men to be crushed. You must all go in the same boat, and sink or swim together, and if a landlord attempts to clear the whole of his estate, let him, and we will build little cottages round about on the borders of the estate (cheers). If you stick together I do not believe any man will be found brave enough to come in and take

possession of your farms. Now, when any man is evicted unjustly, and after the Land League have declared that it is unjust to evict him, what are you to do with the farm? Turn it into what we call a model farm, a farm on which no living thing can go. The object of that, as a model farm, will be to warn landlords not to be going on with evictions.

"Now, the doctrine which the Land League teaches is this, that the landlords of Ireland have had it in their power for eighty years to fix the rents at their free will, that is not just, and now the Land League, with your help, is going to take that business into their own hands. We mean to fix the rents in Ireland for the next year, and we will fix them at a fairer value than the landlords did. We will always be ready to submit to fair terms and an impartial tribunal to arbitrate between landlord and tenant, but until the landlords consent to that, let the Irish farmers fix their own rent, and pay no more than what they consider is just. If you organize as well as they have done in Connaught, you can carry out this programme, the Land Leaguers of Dublin will support you, but you must organize strictly. Remember that to-day you are only commencing the fight. Every townland must be canvassed carefully, and every farmer asked to join, and any man who breaks the rules of the Land League, and takes a farm from which a neighbour has been evicted, or who buys cattle or crops which have been seized for rent, or who has any dealings with a man who has taken a farm from which a neighbour has been evicted, that man you must not speak to, you must not buy from him, or sell to him, or have any dealings with him whatever, and before a month is out he will leave the country and the farm vacant. Now, how are you to set about organizing? In each townland two men should agree to go round and ask every farmer to give his name for the Land League. Let them go with books, and let each farmer give his valuation and his rent. Let those be brought all into a central committee, and submitted to them, and let them say where the rents are excessive, and in that townland order the members to pay no more than a certain sum for rent. When that order goes out any man that does not obey it is a traitor to the people and a friend of the oppressors of the farmers, and do not you have any more dealings with him, and he will soon leave the country. By that means I tell you that you can reduce rents here in Tipperary, by your own unaided action; by that means you can put a stop to eviction, by that means you can make yourselves independent of the landlords, and until you have done that by your own action in Tipperary, I tell you that the English Parliament will give you no justice."

Did Mr. Laurence Ryan propose a resolution?—Yes, sir.

On that day?—Yes, sir.

Would you just read that resolution?—(*Witness* reads)—"That we pledge ourselves not to take any farm from which a tenant has been evicted for not paying a rack-rent, and that we declare our hearty adhesion to the principles of the Irish National Land League."

Now, is the printed speech from which you have been reading the speech of Mr. Dillon, and the transcript from which it was printed a correct copy of your original shorthand notes?—Yes, it is.

Cross-examined by Mr. *Macdonogh*.

Will you be kind enough to go to page 10, where you left off reading for my learned friend, and resume where you left off, at the words "the English Parliament" and read on?—(*Witness* reads)—"The English Parliament is a Parliament of landlords, and even if Mr. Forster wished well to the Irish people, the English Parliament would not allow him to

do justice to the Irish tenant—not until you have brought your power to coerce the Irish landlord in Ireland, and make him submit to justice by your organization and determination—until you have pressed that power—until you have reduced his rents, and made him anxious himself for a settlement of the Irish land question, then, and not till then, will you get justice from England's Parliament, because then the Irish landlord will go over himself and ask the Government to settle the question—until you have forced the Irish landlord to ask for a settlement, you never will get a settlement. Why is it that the Irish people have been now, for eighty years, seeking for their rights, and have got none? Why is it that for eighty years they have struggled against landlord oppression, and have only got increased oppression, and eviction, and rack-rents? The reason is, because they had gone on the wrong road—because they expected justice by sending Members of Parliament to England's Parliament—because they expected that a Parliament of landlords would undo their own power, and reduce their own rents. I tell you that was expecting more than human nature gives you a right to expect. You have now entered on an entirely different path—the path of self-reliance—of action, and if you stick to that you will find, within two years, you will, every man of you be owner of your own home, and independent of landlords."

Who was in the chair at that meeting?—The Rev. Thomas Jones.

He gives a short address. Will you be so good as to read it, as I wish it for the jury?—(*Witness* reads)—"Men of Hollyford and Tipperary, I feel great pleasure and honour in being called on to take the chair on this great occasion. It is a most unexpected event to me. Up to this moment I expected that another would have been present here to-day, that is your parish priest, but in his absence I am prepared to do the best I can in defence of the people's cause. But I hope and trust that this will be a peaceable, orderly, and well conducted meeting. I hope that our enemies will have nothing to say against any member of the Land League here to-day. It is a lawful and worthy meeting. We are only looking in a constitutional and in a peaceable manner to demand our rights from the British Parliament, and that I hope and trust the Land League will be able to achieve. It is not my place, there being so many speakers, among them the noble representative of their gallant county, to address you, it is only the place of the chairman to introduce them to the meeting. I return you my thanks for the kind manner in which you have accepted the appointment of me to the chair."

Mr. *Macdonogh.*—That is quite enough, sir.

Mr. *Constantine Molloy.*—Did you report the Kinlough meeting, which was held on the 31st of October?—I did.

And is the printed document you have in your hand a correct copy of your shorthand notes?—I have compared it with them, and it is.

Did Mr. Biggar make a speech there?—He did.

Would you turn to page 11 of the print, at line 39—"We do not recommend"?—(*Witness* reads)—"We do not recommend shooting landlords. That is an extreme measure, and certainly we cannot recommend it, and besides it is held undesirable for the interest of the cause that it should be done, for this reason: that when such a thing takes place it is blazoned forth in all the English newspapers, and prejudice is excited in the English mind against the Irish tenant-farmers, which is calculated to interfere to a material extent with the advocacy of my friend, Mr. Parnell, and others on behalf of the tenant-farmers. But other things you can do. The first thing to do is to become members of the Land League, which is a thoroughly constitutional association. In becoming members of the Land League what will you gain by that?

I will tell you some of the advantages. Suppose a landlord attempts to dispossess any tenant-farmer, in fact, in Ireland, the Land League in his particular neighbourhood will supply information to the Land League in Dublin with regard to the facts of the case. Then if any defence can be offered on behalf of the tenant whom it is proposed to evict from his holding, or eject from it, they will be able to give the very best advice which can be had with regard to the sort of defence he should make to the action brought by the landlord. Then, in the next place, they will go to the trouble and expense, having first got the facts from the Local Land League Association, of getting the best available lawyers to advocate the cause of the tenant in the law courts. Then they will afterwards, in case the tenant is evicted, take care that if the landlord makes any slip in his legal process, that he will, as far as possible, be made to do justice to the tenant, as far as the present unjust land laws will admit. Then, suppose the thing has come to the worst, and suppose, unfortunately, the tenant has been able to get no redress at law, they will, perhaps, the Local Land League Association, reinstate this tenant in his holding. Then the landlord will at least have the trouble of re-dispossessing the unfortunate tenant. Then, suppose the matter has gone to another step worse, suppose the tenant is finally evicted from his holding, then the Local Land Association should have its members spread through every townland in the whole country, and they will take care that if anyone is vicious enough to take this land from which a former tenant has been dispossessed, that such representations shall be made to anyone who has the viciousness to take this land, and bring such representations to bear upon him that he will not take this land—that it will lie waste, and also will make such representation that no man should work on the land on behalf of the landlord—such representation to all the neighbours that they would not send cattle to graze on it. They should take care also that if the land is allowed to grow in grass that no one should win the hay and move the hay from the ground on which it grew (a voice—'A big windy night might blow it away'). Leave your own matters thoroughly within the cognisance of the Land League. Another thing which should be done is this: suppose any landlord has been insisting upon getting a larger rent than the Government valuation, a combination should be entered into by the tenants on that particular property, and they should all say, 'We will give you the Government valuation in the shape of rent; if you do not take that, you will get nothing at all.' Now, my friends, these are all matters within your power; at the same time, unless you all combine and act together in an organized manner as one man, the result must be that the landlords will beat you. If you stick together, each one helping himself and his neighbours, the result is that the many must triumph over the few. Now, friends, you will say what has that to do with the resolution that you have had read to you. I will tell you. My friend Mr. Parnell's idea, as expressed to me some months ago, is this: he said, 'Push on this agitation in the way in which it ought to be pushed on; make it powerful in every district, in every parish, and every townland—make it unanimously felt all over the country, and then the landlords will be the men who will pray to you to buy the land from them (cheers). That is the idea of my friend, Mr. Parnell. I am perhaps not a person of so much determination and pluck as Mr. Parnell is, but at the same time I can say I believe the opinion expressed by Mr. Parnell is a just one. You are fighting a grand battle. You may have to postpone the final and triumphant result for months, per-

haps for years; but at the same time, if you stick together and do not give way at any point, but keep up the fight continuously, you must in the end succeed, and must be owners ultimately by purchase—not by revolution, but by purchase on fair terms, not extravagant terms—of the land which you yourselves cultivate, and which you should have owned a very long time ago. I do not think I have any more to say but to urge you to become members of the Land League; push the agitation into every holding all over the country, and let each man act for himself and for his own interest, and the result must be that you will, in no very great time, triumph over your enemies."

Cross-examined by Mr. *Walker*.

Will you turn to page 10, line 31, "As our worthy father, who has preceded me, has told you"?—(*Witness* reads)—"As our worthy father, who has preceded me, has said all landlords are not bad, and good ones deserve a certain amount of credit, and especial credit, for this reason, that they have power to be bad if they wish it; and I say it is contrary to what is right and proper that any small number of men should have power to tyrannise over the great body of the people, and I ask you whether or not you will use the exertions which are thoroughly within your reach to become the possessors of the land which you cultivate. Now it has been truly said that this Government valuation—this Griffiths' valuation—is too much; but allow that it is not too much, we know that in a great many cases—the great number of cases—the landlord gets a great deal more than Griffith's valuation. Well, now, the principle on which the Land League has gone heretofore has been this: they say buy the ground from the landlords on the basis of the Government valuation. They want to let the landlords off exceedingly easy, but if landlords are so foolish as to say we will not settle upon the terms that are proposed by the Land League, which they, as arbitrators between the tenant farmers on the one side, and the landlords on the other, say are extremely reasonable and moderate, why then let them fight the matter out and see whether they will not ultimately get compensated for the land on a very much smaller principle than the principle of valuation equal to the Government valuation. I have no doubt a large majority here have heard what is the plan proposed by our leader, Mr. Parnell, as to the settlement of this question. His idea is this: that the land should be bought from the landlords at twenty years' purchase on the Government valuation, paying them in a stock which would pay three per cent. interest. They would then become perfectly free from the tyranny of their landlords."

Mr. *Walker*.—That will do.

Cross-examined by Mr. *Dillon*.

Did a Mr. J. B. M'Hugh make a speech there?—(No answer.)

Mr. J. B. M'Hugh, the barrister?—Yes.

Did you hear him say that this was a lawful meeting, and that chicanery would not interfere with freedom?—His speech is only two pages long. I'll read it for you if you like.

Did you hear that Mr. M'Hugh was a barrister, and a barrister of eminence?—I do not know that of my own knowledge. I have heard here that he was a barrister.

And did you hear him say that this meeting was not an unlawful meeting?—I will look at my notes if you like, but I cannot remember without referring to them.

Very well, then; look at your notes?—(Witness refers to the printed transcript).

Let me look at the speech, perhaps I can find it?—(Transcript handed to counsel, who, after a moment's reference to it, returned it to the witness).

I cannot find that passage, but we will say that Mr. M'Hugh did say it was a lawful meeting?—Very well.

Do you not now, after the decision of that eminent legal authority, think it was a lawful meeting?——

Mr. Justice FITZGERALD.—Don't answer that question.

Mr. *Constantine Molloy* (to witness).—Will you kindly turn to Mr. M'Hugh's speech?

Mr. *M'Laughlin.*—Now, this is hardly fair, my lord. That is professional jealousy, I think.

Mr. *Constantine Molloy.*—Now, will you turn to the Navan meeting of the 5th of December?—Yes, sir.

Did Mr. Thomas Brennan, one of the traversers, make a speech at that meeting?—He did, sir.

Will you turn to page 3?—Yes, sir.

At the top of the page you will see the words "If landlordism had no other sins to answer for"?—(*Witness* reads)—"If landlordism had no other sins to answer for but what it has committed in this country alone, it would be enough to damn it before any civilized people. In every corner of the land it has left its bloody track—from every ruined homestead, from every desolate hearth, from every spot that has been stained with the blood of the murdered millions of our race, there goes forth to-day a voice to Heaven crying for vengeance, and this is the system that they tell us needs only to be patched up in order to settle the land question. But no amount of patching up, no amount of tinkering, will satisfy the people, nothing but the total destruction of the system will ever stop this movement. And if you but take your stand by what is right, and doggedly maintain that stand, this movement must go on, but if you commence to temporise with the enemy—if you commence to adopt a policy of compromise—this movement then will end as all weak-kneed movements have ended hitherto. When we take our stand by what is right and just, and advocate it, as long as we claim what we have a just right to, our movement will be respected; but when we commence to claim less than we have a right to, our movement will be scoffed at and derided. You are here to-day, I take it, to take your stand by what is right, what you have a just claim to. You are not here to beg for any patch work legislation upon this subject, or to advocate the fixity of landlordism. No; you are here to declare eternal war against that system, and to declare that any man who at the present moment comes forward to patch up that system is, whether consciously or unconsciously, an enemy of the people's cause. But mere denunciation will not kill that system. If it were vulnerable to words it would be killed long ago. But it is not words, it is not banners, it is not bands that will kill it; but it is the earnest action and determined organization of the people. The tramp of determined men is not very soothing music to the nerves of tyrants, but when they know that that steady tramp is the result of steady organization it will make them tremble in the very plenitude of their power. It is that organization that we now want. You must commence to do now what the people in Connaught commenced to do twelve months ago, and but for the people of Connaught having commenced then, you would not have the land question, as Mr. Sullivan has told you, the question of the hour to-day;

you would not have the awakened manhood of Ireland that defiantly answered the threats of the Government during the last session." In combination lies the secret of the success of this movement. Yes, from the shores of distant Lough Mask there comes a voice to-day telling you how to win. The people of that district have added a name to the English language, and the next lexicographer will have to insert the word 'Boycotting,' which will mean 'starving out tyrants.'"

Cross-examined by Mr. *M'Laughlin.*

Do you remember who the chairman of that meeting was. Was it Mr. Edward Metge?—I believe it was.

Is he member for the county?—I do not know.

Neither do I. Is he a landlord?—I do not know.

Have you a report of his speech?—I have not.

Do you remember his making a speech?—Yes.

Did you take a note of it?—Yes.

Did you transcribe your note of it?—I did not. I had no instructions to transcribe it. I was instructed to take everything that was said at the meeting.

But only to transcribe certain portions?—I had instructions to transcribe at this meeting the speeches of the only traverser who spoke—Mr. Brennan.

You have a good memory; reporters generally have?—I have not unfortunately a good memory.

Do you remember how long Mr. Metge spoke?—No, sir. I can tell you from my note.

I suppose it was an average speech of about twenty minutes?—I think he spoke about ten minutes or a quarter of an hour.

Do you remember that he announced himself as a landlord?—I cannot remember that.

Have you got your notes there?—I have.

I do not want to give you unnecessary trouble, but refer to the last twenty lines of what he said. I want to see, according to this report before me in the newspapers, if what he said corresponds with your notes. I must assume that of course for the same?—(Witness refers to his notes).

I suppose you write proper names at length and not in shorthand?—Not always.

Lock; can you see the words "Belgium," "Germany," and the "Continent." That will guide you. You will probably get a longhand word there which will indicate to you the place I want?—(*Witness*, looking at his notes)—No; I see something here about the plantation of Ulster and Connaught.

I have heard of them before. It is about twenty lines in this transcript, and it is preceded by a sentence in which "Belgium" and "Germany" are mentioned?—I may tell you, with regard to this particular note, that I had to stand up the whole time I was taking it, and I was very much pushed about, so that I have not got a very good note of this particular speech. The day was very bad, raining, as you may see from the condition of the note-book.

Reporters very often have to take notes under adverse circumstances?—Very often.

To have to stand up is bad enough, and when it is raining it leaves marks on the note-book?—Yes.

If you reported in rain and escaped without marks on your note-book people would be astonished. Would you not have some little difficulty in reading a note taken under such circumstances?—Yes.

I believe you have had very considerable experience as a reporter, being one of Gurney's staff?—I have had fifteen years' experience.

Mr. HUGH NOBLE sworn and examined.

Mr. *Murphy*.—Did you attend a meeting at Maam, in the county Galway on the 3rd October, 1880?—I did.

And reported the speeches there?—Yes.

Have you compared this printed report with your notes?—Yes.

Is it correct?—It is.

You reported a speech made my Mr. O'Malley. Look at page 7, commencing with the words—"The resolution I have to propose is"?—(*Witness* reads)—"The resolution I have to propose is:—'That we pledge ourselves not to take any farm from which a tenant has been capriciously evicted, or for not paying a rackrent; and that we declare our hearty adhesion to the principles of the National Land League (cheers). Now I am sure that this resolution will meet with your hearty support. You all know without being told it at all, that the great evil of our country is landlordism. and the next evil which is the result of landlordism, is the land-grabber ('Away with him'). Don't you all know, when a landlord turns out a tenant, that the man who goes and offers a higher rent in many cases for that farm is your enemy? He is a land-grabber, and if you want to destroy landlordism you must destroy the land-grabber ('Down with him'). How will you do it? You must not knock him on the head or kill him; but there is one way, and I am happy to say a man of my name, Father O'Malley—(cheers)—has invented a way by which you can destroy those land-grabbers without killing them, and here it is: Boycotting them. Do you know that word? There is a man over near the Neale—Captain Boycott (groans). I will only tell you something about him. He was a very obnoxious man. There are a great many obnoxious men in the Clonbur and immediate district. Father O'Malley thought it would be better to get rid of this man, and did not like to have murder or anything of that sort, and he told the people not to speak to him; everybody was to treat him with contempt. His servants actually left his house; nobody would work for him; the shopkeeper refused to give him bread; and at last he had to take up his bed and walk (cheers). Now that is a great victory. It is a moral victory. You need not shoot them down; but if you treat every land-grabber, and every man that offers a higher rent for the farm from which another has been evicted, if you treat him in that way he need not show his face. That is the way morally to kill them. I have great pleasure in proposing this resolution (cheers)."

Turn to page 9—the speech of Mr. Patrick Joseph Sheridan, one of the traversers, whose speech you reported—line seven?—(*Witness* reads)—"In coming forward as an unworthy representative of the Irish National Land League, and in supporting this resolution, I feel that a grave and a great responsibility rests upon my shoulders, watched as I am by the minions of the law. Yet I think, in the face of these facts, I am equal to the occasion (hear, hear). When I see my duty before me I care not whether it be the reporters of the Dublin Castle or the British bayonets that confront me, that duty I will discharge fearlessly and manfully (cheers). It occurs to me, my fellow countrymen, that the resolution which I am honoured with being asked to support here is the pivot on which your cause turns. It asks you to pledge yourselves not to occupy any farm from which a brother tenant has been evicted, either capriciously or through inability to pay excess

of rent. If you only take to heart this resolution, and that you hold by it, observing it strictly and to the letter. I look upon landlordism as I look upon the wasp that has lost its sting; it is helpless to do you harm; and you can snap your finger in contempt at its worst efforts (cheers). For, my fellow-countrymen, if the landlord waits and takes a dozen farms, and there is nobody in the place of the evicted tenants, the stern reality will confront him that he has taxes and rent to pay for it—that he will have the disapprobation, nay, the scorn and curses of his kind—yes, his hate for driving out human beings to make room for bullocks in a Christian land (cheers)."

Go down now to line 47?—(*Witness* reads)—"I ask you to join this movement. You do not pitch yourselves in a half-hearted manner into it, but each of you, like the apostle of this great cause, look upon it, not as the guardian of your household and your children, but as the guardian of your great national trust which to God and man you shall render an account of how you shall support and aid it. Then, as you move on, take and band yourself together. Organize, organize, until this great national movement has cast root in all the hills and valleys of Ireland, drawing freshness from every place in which the Celtic blood exists, and so sure as God is in heaven, so sure, my friends, is the day of your liberation at hand (cheers). Then I would say that it is absolutely necessary that each and every one of you who already has not enrolled yourselves under the banner of the Irish National Land League, that you should do so at the earliest possible opportunity. Any of you who have come from parishes in which a branch of the Irish National Land League has not been established, as soon as you go back pitch yourselves into it with energy, and see you have a branch in working order, and thereby aid your countrymen in the great struggle for emancipation. It unfortunately happens many pressures are brought to bear upon some of you."

That will do.

Cross-examined by Mr. *Peter O'Brien*.

I saw you down at Cork when Mr. Healy was being tried?—Yes. I had the pleasure of seeing you there.

The feeling, I assure you, is quite mutual. I believe you are a long time on Gurney's staff?—I am not on Gurney's staff. I am employed by him.

I take it that you are a good shorthand writer?—I consider myself so.

It is well to have a good opinion of yourself. I believe good shorthand writers, even in their own estimation, make mistakes sometimes?—I suppose they would occasionally; I don't suppose they are entirely infallible.

They say even the just man falls seven times a day. Do you remember in your report you called "King Harman" "Sharman O'Hagan"?—No; I believe I called him "Sharman;" that was mishearing; the back of the speaker was to me.

It depends on the place you were standing?—Sometimes.

One of the speakers on that occasion referred to a certain murder, committed in that district, as an accursed murder?—Yes; I had it on my notes.

You think he said "actual" murder?—Yes; I do think that he did.

And that he did not say "accursed" murder?—No; I don't think he did.

I do not wish to discredit you in any way. Don't you remember admitting to me——

Mr. Justice FITZGERALD.—I recollect what you are referring to. We had not the proceedings of that meeting before us.

Mr. *O'Brien.*—Your lordships will see the object with which I am asking this.

Mr. Justice FITZGERALD.—I pronounced my opinion on him as a most reliable reporter.

Mr. *O'Brien.*—I don't impeach this gentleman at all. You will see my object. (To witness)—Did you not agree with me at the trial in Cork, in saying the word was "accursed"?—I did not say anything of the sort. I said it might be "accursed." I wrote the word "actual" on my notes, and it is in the transcript.

It might be "accursed"?—It might have been anything.

You are a "Gurneyite"?—I am not a "Gurneyite."

Well, you are not. What was the name of the chairman at this meeting at Maam?—The Rev. W. Conway.

Have you got a transcript of his speech there?—I have.

Just allow me to look at it. Did he speak for a long time?—Yes; I think for a long time. That was in October, and I don't remember so far back as that. It is only the speech that will tell you.

You have printed his speech. Just commence at line 10, page 1, the speech of the Rev. Walter Conway, commencing "I shall not detain you very long"?—(*Witness* reads)—"I shall not detain you very long. My duty, in the first place, is merely a sort of conventional one, and, as I am sure you will be very glad to hear from others the same views which I am proud to say you have often heard from myself (cheers)—I found that it was my duty on this day week to refer to a crime which was committed in the locality, and to deprecate in language as strong as I could use, a charge which was made against the body to which I belong—the Land League—the charge of laying at their doors that foul crime, a charge which, indeed, might be passed over in silence like many other charges, except that it came, as I stated then, from a semi-official source. The charge has been modified and changed. It was then attributed to the Land League. Now, it is said it has been committed in consequence of the land agitation, a difference in words, but not in meaning. Now, in the first place I charge the Government of England with that crime (cheers). If he were murdered as a landlord, which I deny, I say the crime is to be attributed to the Government which permits this abominable system of landlordism which still blights the fairest country on earth. I say it is to be attributed in the next place to them, because this unfortunate man on account of his conduct was deprived of the escort which the Government considered he had a right to (interruption). His own last words on earth show us and tell us plainly that he considered his life was in danger; that he asked for the escort, and it was denied to him; and if he considered his life was in danger, that Government (interruption) which denied him the escort to which he was entitled, as a subject of the British Government, the Government that refused him that escort, that Government which permitted him to be murdered is responsible for the crime of his murder (hear, hear). I have only to request of you that not one word will escape your lips while you are assembled here that can be construed by your enemies, who are watching you, into treason or unconstitutionalism. We can go far enough without going too far. We can keep within the lines of the constitution and yet attain the object for which we have assembled here to-day, and yet gain those rights which we are claiming and have a right to do, namely, the right to live in the land of our birth, the right to own the soil we till (cheers)."

Mr. *Murphy*.—Did you attend a meeting at Castleisland on the 10th October?—I did.

Did you report the speech of Mr. Biggar, one of the traversers?—Yes.

Turn to page 25, and commence at line six?—(*Witness* reads)—"Then, brethren, there are other duties which Land Leagues can do of the very greatest importance (interruption). Among other things, you can take care that none of your neighbours give more than the . . . . . valuation to the landlords in the shape of rent. You can take care, if anyone is base enough to take property against the course pursued by his fellows, that the public opinion of the district can be brought against him and that he be forced, not by physical means, but by means which are exceedingly powerful, to do what he ought to do in regard to a matter of that kind. Then suppose a tenant-farmer is threatened with an eviction with no cause, you can take care that all the facts are supplied to the Land League in Dublin, and that this man would get a proper defence (interruption). In the great majority of cases, if they had been properly defended—(there is a blank here)—the result would have been that the landlords would have been unsuccessful, and the tenant would have continued in the possession of his farm. Then, again, suppose a tenant is evicted you can, if possible, take means to have this tenant put back into his holding. You can take care that the land will be of no value to anybody else, you can take care that the cattle shall not be cruelly treated, but that they can stray off the land: the fences will fall down, and there will be no benefit in having that land. Suppose any man takes this land?" (Interruption.) (There was interruption here, and, I think, a sentence out, owing to the pressure of the crowd). (*Witness* continues to read)—"These are all means which you can take. Another means was taken in Limerick the other day. A farmer had taken a farm from which the occupier had been evicted. He took the produce to Limerick market, and could get no buyer. You can take care that any of these shall be a marked man, and shall suffer instead of gain (hear, hear). There is another question which has been raised very much. The Land League are unfairly charged with the shooting of landlords. It is no part of the duty of the Land League to recommend the shooting of landlords for a great variety of reasons. They never have given any advice of the sort. Mr. Hussey may be a very bad man, and plenty of other men are as bad as Mr. Hussey; but I can tell you what the Land League can do. If anyone is charged with shooting or offering violence to the landlord or his agent, it is the duty of the Land League to see that that person who is charged with the offence shall get a fair trial. What is the good of a man shooting a landlord? First of all, the Government offers an enormous reward: for a large sum of money some one may commit perjury against one for whom a grudge may be felt, or against whom there is no cause of suspicion but of the very vaguest kind, may take place. Then the police take care that, if they hear anything of a suspicious nature, they bring him before the magistrates, and take care, if anything is in favour of the prisoner at the bar (interruption, a word I could not catch) shall be suppressed, and use every means in their power for a conviction (renewed interruption). Then, again, the magistrates who hear the case are all partisans against the prisoner at the bar, and in favour of their own class. Then, again, if any case whatever is made against the prisoner, and he is sent forward for trial at the Assizes, the Government take care to pack the jury, they bring down the ablest counsel at the bar, who try, if possible, to twist any

little (another word missing, I think) at their command for the means of bringing about a conviction. Well, you the members of the local Land League can use your exertions to get everything in favour of the person who is charged with such a crime as shooting a landlord. You can take care an innocent man shall not suffer the penalty he is not entitled to suffer. These are all things which are thoroughly legitimate, and which you can do, and which will have the effect of bringing about a beneficial state of things."

Cross-examined by Mr. *Walker*.

Now, go to the first page of Mr. Biggar's speech, at page 23, line 11?—(*Witness* reads)—"We now find that some of the ablest friends, such as my friends, Mr. Parnell, Mr. Arthur O'Connor, and others, are warm supporters of the cause of the tenant-farmers and occupiers in Ireland. We also find that your great Archbishop, Dr. Croke, has come out as strongly in favour of the views which we support as any public man in Ireland could do. We find that almost unanimously the priesthood of Ireland are in favour of the views of the Land League. We find in addition to Dr. Croke, the great Archbishop, a very large proportion of the other bishops of Ireland have declared themselves in favour of the views of the Land League; but although all these things are in favour of the Land League, public meetings alone, and the advocacy of a sound cause, will not be sufficient to bring the agitation to a triumphant issue."

Go to the speech of Mr. Arthur O'Connor, M.P. It is a long speech, but I only want you to read a short paragraph of it?—Yes. (*Witness* reads)—"Reverend Father and fellow countrymen—I find it hard to address you, for I have just come from a scene of misery and oppression such as, I thank God, my eyes have only once rested upon (cheers). I have seen, in the neighbourhood of your town, an unfortunate family whose roof, within the last three weeks, has been burned upon them, and who are now living in an out-house, a father, a mother, a grandmother, and six children; and all their food for to-day's dinner consisted of eight small potatoes (cries of 'Shame'). The father of that woman, twenty-five years ago, took from the landlord a piece of land utterly unreclaimed, which was valued at 2*s.* an acre. For twenty-five years, as I am informed, that family has paid for that land £8 an acre rent. ('Too much.') £230 in that twenty-three years has the lord of the soil, who is rolling in wealth, extracted from the bone and sinew of that unfortunate family (shouts)—£230—whereas the valuation was only £23. £207 the landlord has put into his pocket, which, as I declare before God, I believe to have been the real property of the tenant (cheers)."

Cross-examined by Mr. *S. Walker*.

Now at page 6, line 17, beginning, "I do not recommend"?—(*Witness* reads)—"I do not recommend any acts of violence. I deprecate every one of them (hear, hear). The English members of Parliament over and over again, the English Press constantly is calumniating us Members of Parliament, and charging upon us that, when in assemblies of this kind some man, smarting under almost unendurable wrong, gives expression to sentiments which are not in accordance with their notions of what is right, we stand by and offer no chiding expression, we make no effort to repress the utterance of those feelings, and that we are virtually aiders and abettors in every act of violence that is committed throughout the country (cheers). Still we might well afford to forfeit the good opinion of such people in England were it not that there is a

great disadvantage attaching to it. Our enemies make use of these charges, and the public opinion in England is affected by them. We have no need for crime. As O'Connell says, 'The man who commits a crime gives strength to the enemy.'"

Cross-examined by Mr. *Francis Nolan*.

There was a letter read from The O'Donoghue, M.P. Have you got a note of it?—I have got no note of it.

Was there a letter read that you remember?—I cannot say. I have not it here. Look at the print (offering the print to counsel).

Mr. *Nolan*.—No, no.

Mr. *James Murphy*.—Turn to the next page, page 7 of that speech, and commence at line 43, "I tell you"?—(*Witness* reads)—"I tell you that if you can afford to pay the valuation and no more, you ought to tender it; if you cannot pay sufficient to satisfy the landlord or the agent; if the instalment you offer is not sufficient to secure you in your holdings (interruption), then stick to your money (cheers). It is of no earthly use for you to part with your money, which is essential to the provision for your children, if by so doing you do not also secure yourselves in your holdings. You will by so doing simply lose your money, and you may lose your farm too (cheers). Again, remember what I have already told you; keep a firm grip of your holdings (cheers), and if you should be evicted, don't go away to America (interruption); stop in the neighbourhood of your own homes, watching the first opportunity to regain possession (cheers); and mark my word for it, before twelve months are out, if you will act in that way, and act together, the landlords will only be too glad to allow you to regain them (cheers). And finally, if you find that a neighbour has been evicted, consider whether you should join him, whether you should sympathise with him in his distress, or whether you should ally yourselves with the oppressor, and help to grind him to the dust (cheers). The man who behind the back of another joins in the efforts of the landlords to expatriate a man by offering to take that land from which he has been unjustly evicted, is rightly considered to be as bad as the landlord himself."

Now take the report of the meeting at Bantry, county Cork, on the 17th October, 1880. Look at page 21—Mr. Michael Carnane proposes a resolution?—(*Witness* reads)—"My friends, the next resolution is entrusted to me to propose, and, as it is to be spoken to by one who has far more ability than I have, I will do nothing more than read it for you:—'That we pledge ourselves not to rent or take a farm from which a tenant has been evicted on account of rack-renting or unjust rent, and that we call on the people of this locality to regard as the worst enemy to the people and the interests of Ireland any man who so takes a farm.'"

Turn to page 23, to the speech of one of the traversers, Mr. John W. Walsh, of Balla. Did you report his speech?—I did.

Read at page 23, line 26—"The resolution which I am asked to support"?—(*Witness* reads)—"The resolution which I am asked to support, I believe, to be the most important resolution of the day. You are asked to pledge yourselves not to take a farm from which another has been evicted, or which has been surrendered for the non-payment of an unjust rent; and I ask you here to-day, as I ask you throughout the length and breadth of the country, to pledge yourselves manfully here to-day that you will follow the advice of the Land League—(hear, hear)—that you will refuse to work for

these men; that you will refuse to recognize them in the public street or market place; that you will refuse to recognize the shopkeeper that supplies him with goods; that you will not allow your children to mix with theirs; that you will leave their corn to wither and their potatoes undug—(interruption)—and I ask you here to-day to strike from this time forward against the demand for rack-rent. It will not do for you to depend on Charles Stewart Parnell or the Land League—you must depend on yourselves alone (hear, hear). It will not do for some of you to go backsliding to the landlord or the agent and offer him a rack-rent. You must stand out manfully and tell them boldly that you are no longer slaves, but men. Let me put the matter plainly to you. Ask yourselves if you can pay the shopkeeper and the merchant—the people who supported you through last winter and last July. If you can support your family in ease and comfort, and educate your children—if you can, then pay the present rack-rent; but if you are not, don't pay the present rack-rent. For centuries the very life-blood of this nation has been taken by absentee landlords, and some of the previous speakers alluded to the way in which these rack-rents have been spent. Let me tell you the money taken from the half-starved tenants, some of it goes to Baden-Baden, Paris, Vienna, London, and to be spent on racing and race-coursing, in gambling-dens, on the Continent. Are you prepared to support such a system? If not, you will join to-day the Land League. Act up to the principles of the Land League, and strike against this system. I do not see why the men of West Cork should not speak out as boldly as the men of any other part of Ireland."

Cross-examined by Mr. *M'Laughlin.*

At page 24 of Mr. Walsh's, would you be kind enough to begin at line 14—"I was handed a document"?—(*Witness* reads)—"I was handed a document here to-day showing me how certain landlords in the locality are rack-renting their tenants. I find in one case the valuation to be £6 15s., and the rent £30, and again, I find the valuation £12 5s., and the rent £29; again, I find the valuation £14, rent £40; again, valuation £15 15s., rent £35; again, £10, rent £22; again valuation £15 15s., rent £29; and last, not least, rent £2, and the valuation £6 10s."

That is transposing it.—Do you mean the valuation to be £2 and the rent £6 10s?—Well, I have got it on my notes just as it is here.

Well, go on?—(*Witness* reads)—"Now, I hold that this is a rack-rent and those people have no right to pay it. I also hold in my hand a letter written by a certain land agent in this locality to a tenant of his. He says, 'Unless you to-morrow, at nine o'clock, execute the proposed lease of your farm for the £42, I shall increase my terms to £48 yearly, and my attorney's full charge of £3 3s. for the lease; and if this is not agreeable, I am quite ready to go to the course of law.'"

Look at page 23, if you please, line 11, beginning—"I am the son of an evicted tenant," and read to the end of the paragraph?—(*Witness* reads)—"I am the son of an evicted tenant-farmer, and I know the pangs that hang on the train of eviction. I have seen in my own time my countrymen, ay, my own father, my own sister, and her children, thrown out on the roadside like dogs (cries of 'shame'). I have seen within the last six months sixty-five of God's creatures, moulded in his own image and likeness, thrown out on the roadside; and let me

tell you, I went there—I was specially sent there by the Irish National Land League to relieve those poor people. I found, on inquiring into their cases, forty-seven pawnbrokers' tickets. They had pawned their bed and their clothing, and their shirts; ay, and they had actually pawned the stool. Yet the landlord or the landlady would try and extort rent from these poor people. We are told we are a lawless people, a bloodthirsty people; but is there any nation under the sun that would stand all the misery, degradation, and humiliation to which our people have been subjected for centuries? (cries of 'No.')"

Cross-examined by Mr. *Adams*.

Before you pass from that meeting there is just one question—how long did the meeting last?—I think it commenced about two if I can remember—I did not take a note—and concluded about twenty minutes to five.

About two hours and a half. How many pages does your report run to?—thirty-four.

Mr. *James Murphy*.—Now, we will take up the meeting at Kealkill, County Cork, on the 31st October last. Did you report the speech of Mr. Sexton, one of the traversers?—I did.

Mr. Justice FITZGERALD.—Do you propose concluding this witness this evening?

Mr. *Murphy*.—Yes, my lord. It is very short.

Mr. *S. Walker*.—I do not think it is very short. It is a very long speech.

Mr. Justice FITZGERALD.—If it will liberate the witness you may proceed.

Mr. *Murphy*.—Well, let us try it for a few minutes.

Mr. *Macdonogh*.—I hope your lordship will be good enough to consider our case to adjourn over to-morrow until Monday. We have been going on very rapidly, and Saturday is certainly a day for mercantile gentlemen.

Mr. Justice FITZGERALD.—What I look to principally is the jury. I do not think we can ask them to sit six days out of the seven, and, therefore, we ought to give them to-morrow to attend to their private business. What I proposed to Mr. Murphy was that if we could dispose of this Kealkill meeting this evening we could dispose of this witness, so as not to bring him here again.

Sergeant *Heron*.—There are two meetings still.

Mr. *M'Laughlin*.—The witness would have to remain in any case.

Mr. Justice FITZGERALD.—Then eleven o'clock on Monday.

The Court accordingly adjourned to Monday, 10th instant, at eleven o'clock, a.m.

TENTH DAY—MONDAY, JANUARY 10, 1881.

The Court sat at a quarter-past eleven o'clock.

Mr. HUGH NOBLE, shorthand writer, whose examination had not concluded when the Court adjourned on Friday evening, took his seat in the witness-box.

Mr. *Murphy.*—Were you at the Kealkill meeting, county Cork, on the 31st October, 1880?—I was.

Was Mr. Thomas Sexton, one of the traversers, there?—He was.

Mr. *Curran.*—Where was the meeting held—at Kealkill or Bantry?

Mr. *Murphy.*—At Kealkill, near Bantry. (To witness)—Turn to page 2 of the report of that meeting, and read the first two sentences of Mr. Thomas Sexton's speech?—(*Witness* reads)—"Men of West Cork and fellow-countrymen, I am here at the special request of the Irish National Land League to give what humble assistance I can in the important work of this day (hear, hear). The Land League, feeling the importance of those proceedings, and feeling how much the public attention of Ireland and of other countries beyond the sea is directed upon us here to-day by some incidents which have recently occurred in this locality, have been unwilling that this meeting should go forward without their representative being present (hear, hear)."

Now go down to line 46—"Well, I inquired of my driver why it was these constables were marched abroad on Sunday"?—(*Witness* reads)—"Well, I inquired of my driver why it was these constables were marched abroad on a Sunday with the rifles at their shoulder, and I was informed they were engaged in guarding a landlord (hoots). At the same time the driver (interruption). I would ask that what I have to say be heard without interruption (hear, hear). The driver then pointed out to me a gentleman going along the line of rails immediately beside the road and informed me that these constables on the high mid-noon of Sunday with their rifles to their shoulders were engaged in guarding that gentleman. I can only say that, shocking as that incident was in one way, in another way it is cheerful and full of hope, because when, in the midst of an orderly people, in the midst of a people religious by nature, in the midst of a people virtuous by temperament, in the midst of a people who by their principles are obedient to all just laws—when in the midst of such a people it becomes necessary, or is considered necessary, for any gentleman to take abroad with him men armed with deadly weapons—when such a state of feeling and such a state of public conscience has arisen, I say that the moment must have arrived, and has arrived, when the rightful settlement of the Irish land question can be no longer put off (cheers)."

That will do now. Go to page at line 43—"Whether we look to the experience"?—(*Witness* reads)—"Whether we look to the experience of landlordism in Ireland, or whether we look to the results of peasant proprietary in other countries, we have come irresistibly to this one conclusion, that there can be no compromise with a class who, like the Irish landlords, have proved themselves to be still foreign to the country in spirit and in heart; they have no sympathy with the people; they never prove by any action that they have any of the uses which the aristocracy have in other countries."

Go now to the next line—"Therefore the National Land League asks you"?—(*Witness* reads)—"Therefore the National Land League asks you to persevere with one spirit and one mind in this movement, and it recommends to your intelligence three great rules of action. It says to you, in the first place, that none of you should take a farm from which any man has been unjustly evicted (hear, hear). That is the first of the three commandments of our political salvation (cheers). Have you not the right to abstain from taking that farm? (several voices, 'We have'). I think you have. If you have the right to do that, have not I the right to advise you to do it (voices, 'Certainly'). Very well; we come to the second rule. The second rule is that you shall not buy any cattle nor any produce raised upon a farm from which any man has been unjustly evicted (hear, hear). It is of no use to abstain from taking the farm if the cultivation of that farm shall be allowed to be profitable; but if you will not have the produce of the farm, the farm will practically remain idle. Very well, have you not the right to abstain from that produce? You have. Have I not the right to ask you to abstain—— (voices in the crowd, 'Groans for Manning'). Now I come to the third and final rule, and it touches upon the question of those who despise the verdict of your judgment, and who, without regard to your opinion, go into possession of farms from which men have been unjustly evicted. This is the pivot of our movement. Do I say that you should indulge in an act of violence or in language of threat? (a voice, 'No'). No; your voice anticipates me. I do not. I say that not only is violence forbidden by the law of God, which we all revere, and by the laws of civilised society, but that it is useless and unnecessary, and therefore hurtful to our movement."

Come now to the speech of Mr. J. W. Walsh, at Balla, at page 16; you may go to page 17, and read from the words, "I ask you to boldly stand up and assert your rights"?—"I ask you to boldly stand up and assert your rights, to become members of the Land League. I asked you in Bantry a fortnight ago to do it. Have you done it? You should have done it before this. There is no use standing at this meeting crying, 'Hear, hear,' and 'No, no,' and 'Three cheers for Parnell and the Land League'; we want you to work—there is work for every man to do. It is needless for me, as it is now so late in the day, to enter more fully into this great question. You have been asked not to pay exorbitant rents. Now I ask you again here to-day to pledge yourselves, every man of you, that you will not pay beyond the Government valuation. (Here there was a show of hands.) That you will not take a farm from which another has been evicted; that you will not do the ugly work of Mr. Corley Manning ('no'). The man who does that, as I said at Bantry, should be looked upon as the enemy of the human race. You should not buy from him, sell to him. You should not speak to the shopkeeper who supplies him with goods (interruption). Well, I regret for poor Corley Manning's sake, and for the sake of the peace of the locality, that he has been forced to take the course he did. It will do no good; on the contrary, it will strengthen our cause; and I trust when a farm is surrendered in this locality in future that you will leave it there to rot (hear, hear, and a voice, 'Let them do the work themselves'). With regard to Manning, I have to ask you not to break the law or do any bodily harm. We simply want you to let Corley Manning pass by. Do not speak to him, do not recognize him, and I promise you his children and his children's children will have the stain on them—'There goes one of the family of Corley Manning, the land grabber' (groans). The Government have been

threatening us with prosecutions outside of this business of Corley Manning's. Mr. Parnell, Mr. Sexton, Mr. Brennan, and the other friends of the people have been threatened with prosecutions. We are told they will be flung into gaol; but if they do, not one, but twenty, fifty, and hundreds will step into the gap. Some stalwart pioneer will be got to carry on the battle, and where the vanguards stands to-day, the" —(blank for a word)—" will rest to-morrow. Then let me ask you, in conclusion, not to pay a rackrent. Bear this in mind. Ask yourselves the question, 'Can I pay my shopkeeper, can I pay the merchant who supplied me with goods last July? Can I educate my family and clothe them, and live in ease and comfort—not living in hovels unfit for English pigstyes, or subsisting on food unfit for English tram horses'? Ask yourselves, 'Can I do this, and can I pay a rackrent'? ('No, no.') Then you have promised that. Secondly, you will not take a farm from which another has been evicted. ('No.') Well, then, if you unite and become members of the Land League your cause is won (cheers). And should there be found amongst you luke-warm men, good-for-nothing men, who will say, 'Ah, I am well enough off; leave me alone; I don't care for the Land League'; the next year we may have a succession of bad harvests; within the next few years foreign competition may bring that man down, and he does not know the day or the hour when his turn will come to be thrown on the road (hear, hear)."

Mr. *Murphy*.—That will do.

Cross-examined by Mr. *Walker*.

Turn to Mr. Walsh's speech on page 16, and read from line 29?—[I am sorry, my lords, Mr. Macdonogh is not able to be here to-day. He is suffering from a slight cold.]—(*Witness* reads)—" The object, as you are aware, of the Irish National Land League, is to prevent eviction, rackrenting, and landlord oppression. Well, the Irish National Land League is only in its infancy. We have tried to keep the Irish people in the soil which God meant for them, and I am glad to say that for the last twelve months we have succeeded to a great extent."

That will do there. Now go to line 46—"John Stuart Mill, one of the greatest political economists"?—(*Witness* reads)—" John Stuart Mill, one of the greatest political economists who ever lived, has told us that when the inhabitants of a country quit that country in tens of thousands because the Government will not make a place for them to live in, that Government is already judged and condemned."

Now go to the top of page 17, and commence at the words " We have done our endeavour "?—(*Witness* reads)—We have done our endeavour within the past twelve or eighteen months to prevent evictions; and where evictions have taken place we have done our endeavour to support the families of evicted persons. Now you, many of you, may not have witnessed the number of evictions that I have. I chanced to come from a part of Ireland, the county of Mayo ('Cheers for Mayo'), where the music of the crowbar is familiar to my ears, and I say fearlessly that I look upon the man who goes to evict a family, tumble down his cabin, and set it in flames, that I look upon him as nothing short of a burglar; but he may be protected, as the burglar is not who wears a mask; he carries a lantern and crowbar, but the law of the land protects this man to come and evict a family. He need not wear a mask, he does it in the broad daylight, he takes care to bring a crowbar. I hold that a man that evicts a family, throws them out on the roadside, is nothing short of a burglar (a voice: 'a murderer'). It is true we have been promised

a Land Bill, I believe, within the coming session. Well I hope it will be a good one, and that some provision at least will be made against absenteeism; for let me tell you in the locality of Castletown Berehaven, where I went, accompanied by my friend, Mr. Healy, the other day, we learned that in that locality alone the sum of £30,000 was extracted annually from that place, while 30,000 farthings were expended in Ireland. How can you expect any country to prosper under such a system?"

Cross-examined by Mr. *Nolan*.

Turn to page 2, and read from line 39 in Mr. Sexton's speech. Where did you begin to read in that page?—At the words "Inquired of my driver."

Commence now then about eight lines higher up?—(*Witness* reads)—"As I passed along the road I observed at one point two constables marching along the road with shouldered rifles. Now, I remember very well, not long ago in the House of Commons we felt obliged to protest against the custom of sending the police about in Ireland with deadly weapons in their possession, and we were then informed by the Chief Secretary of Ireland that it was not the custom to do so, and that if it were found to be the custom it would be discontinued."

Mr. *Nolan*.—Just stop there. That is where you commenced on your direct examination. Now turn to page 5. You commenced on that page at the words—"Whether we look to the experience of landlordism"—read from the seventh line at the top of the page down to that?—(*Witness* reads)—"The object of this movement is to place Ireland in line with the other great civilised nations of the earth (hear, hear), The object of it is to declare, and to obtain the force of law for the declaration, that in Ireland, as in other great countries, the people who till the soil shall be the owners of the soil they till (hear, hear). We hear from one quarter or from another of offers and of intentions to compromise this question. We nail our flag to the mast, and say, 'No compromise.' ('Bravo' and cheers). And why do we say this? Well, my friend before me has given one good reason; we must do away with the begging-box. We will not have our country any longer a mendicant; we will not, if we can by any effort of ours put an end to it, allow the prolongation of a state of things which, whenever by a natural calamity this country suffers from even one year of bad crops, plunges the masses of the people into absolute pauperism, into unspeakable suffering, into degrading hunger, and places their very lives, the lives of their wives and their own helpless children, at the mercy of the charity of the world (cheers)."

"My friends, in the past we have been content to try compromise upon this landlord question, and we have always found that no matter how fair-seeming the Acts of Parliament were which professed to settle the Irish land question upon the basis of keeping the landlord class in their present position—that every such Act, when it came into operation, was found to be rotten at the core (cheers). We have found, moreover, that the landlords of Ireland, instead of applying themselves to give fair play to these Acts of Parliament, as we might expect men who boast so much of their loyalty to do, we find they have been always ready and determined to apply their ingenuity, and all the skill of their legal agents, to defeat whatever benevolent purpose the law may have in it (hear, hear). Again, to turn to the question of peasant proprietary, we have found that in every country in the world where peasant proprietary has been established, it has resulted in the prosperity and the comfort and in the

peace of the people; and is it not a singular thing that in all the great countries we look upon, this result of peasant proprietary has been arrived at by various roads, but all tending to the same result. In France it was achieved by a revolution; in Russia it was achieved by an act of despotic benevolence; in Prussia it was the result of a system of State purchase such as we want to be applied to Ireland; and in America it was the result of a system which we find enforced in all new countries, namely, the system of planting upon the virgin soil, not landlords but farmer proprietors (hear, hear)."

Now you will commence again and read from the point where you left off reading before to the end?—(*Witness* reads)—"I say that the peaceful rules of action which we have laid down are amply sufficient for our success; but when I hear men endeavouring to couple this movement with the name of outrage and crime, when I find the English press lecturing our people upon the baseness of shooting, I say to those English moralists, 'Look at home' (voices, 'Groans for them'). I look upon the face of their land, which boasts of its open Bible, and I say that scarcely a day passes without bringing its hideous chronicles of crimes—not upon men, but upon defenceless women, upon young children—of crimes of murder, of crimes which, as the great Apostle of the Gentiles said, should not be even mentioned amongst Christians. I look to that polluted community of England, and I say to them, when these crimes are of perpetual occurrence amongst you, when they spring, not from a system which grinds and provokes the people, but from perpetual impulses to crime existing in the nature of the community, I say to them, 'Reform yourselves; pass Peace Preservation Acts for the lives of women and children, bring in laws to protect your own community, then talk to a virtuous and law-abiding people.' But, my friends, I say this, that this movement is not in any sense responsible for any acts of violence that are committed. I think that the National Land League, if it was to cease to exist to-day, has a glorious, historic record in the good it has done for the Irish people; and I say that if we had fewer outrages, as we have had, than in former years, when there was less distress and less provocation, that this is in great measure owing to the National Land League, which, every week for the last twelve months has sent sums of money to keep from hunger and despair the poor people turned from their homes (cheers). Therefore I fling back in the teeth of any man—I care not what his position or character may be—the imputation that this movement has any responsibility for outrage. Our great peaceful, public, national movement has no community with violence (hear, hear)."

That is all I ask you. Are you aware that Mr. Sexton left the meeting to go to Galway as soon as he made his speech?—I am.

Sergeant *Heron*.—That is all, Mr. Noble.

JOHN MALLON, sworn by Mr. *Maybury*, was examined by Mr. *Molloy*, as follows:—

You are a superintendent of the Metropolitan Police?—Yes.

Do you recollect the meeting that was held in the Phœnix Park—The meeting held on the 14th March last?—Yes.

In last year, 1880?—Yes.

Were you along the quays that day?—I was near the Park gate.

Do you recollect seeing the people as they proceeded to the meeting that day?—I recognized some of the people.

How were they proceeding to the meeting?—They proceeded in the form of a procession.

Were any of them in a waggonette or any other vehicle?—There were three waggonettes.

Were there some of the trades there also?—There were.

Did you know any of the persons who were in the waggonettes?—Yes.

Who were they?—I saw Mr. Brennan, Mr. Davitt, and Mr. Egan.

Is that Mr. Thomas Brennan, one of the traversers?—Yes.

And Mr. Egan, another of the traversers?—Yes.

Were there handbills distributed to the people attending that meeting?—There were.

Have you one of those handbills?—I have.

Do you produce it?

Mr. *M'Laughlin.*—I object.

Mr. Justice FITZGERALD.—Let us hear something more about it.

Mr. *M'Laughlin.*—My lord, that would hardly be fair. The document is not admissible at present.

Mr. Justice FITZGERALD.—I am not asking about its contents. Let us hear how he got it.

Witness.—There was a man handing it about.

Mr. Justice FITZGERALD.—Handing it about to all the persons going in at the Park gate.

Witness.—Yes; to all who took it from him.

Mr. Justice FITZGERALD.—Did he distribute many of them?—An immense number.

Mr. Justice FITZGERALD.—And you got this one from him?—Yes.

Mr. *Molloy.*—Now, I submit we are entitled to have this put in evidence.

Mr. *Walker.*—Oh, no. You are not. It may be a document of any kind.

Mr. Justice FITZGERALD.—As far as we know anything about it at present it may be a bill about tea.

Mr. *Walker.*—That is what I was going to say.

Mr. Justice FITZGERALD.—I think the Bench may look at it at all events.

Mr. *M'Laughlin.*—I respectfully submit that you cannot at present, my lord. It would be another thing if the traversers were brought into privity with the distributor of the handbill—that they had authorised him to distribute it. It might be an argument if you could show that it was a component part of the proceedings.

Mr. Justice FITZGERALD.—Mr. Heron, can you give any evidence connecting this document with the meeting?

Sergeant *Heron.*—Yes, at one of the meetings, that held at Abbeyknockmoy, this document was recommended to be read by everybody. It is one of those documents known as "Paudeen O'Rafferty's Ten Commandments."

Mr. Justice FITZGERALD.—Have you given any evidence about this meeting in the Park?—The meeting with which you wish to connect this document?

Mr. *O'Brien.*—Not a particle.

Sergeant *Heron.*—The evidence about this particular document is its distribution at that meeting.

Mr. Justice FITZGERALD.—The meeting held in the Phœnix Park was one on which the Attorney-General laid considerable weight in his opening statement, and what I ask is whether among the mass of evidence given you have given any with reference to that meeting?

Sergeant *Heron.*—We have given no evidence about this meeting in Beresford-place and the Phœnix Park.

Mr. Justice FITZGERALD.—I think you ought to give us some evidence about that meeting.

Mr. Justice BARRY.—For anything we know it might have been a meeting for the promotion of temperance.

Mr. Justice FITZGERALD.—If you wish to withdraw this witness for the present you may do so.

Sergeant *Heron*.—I'll ask your lordships' permission to withdraw him for the present.

The witness was then withdrawn.

Sergeant *Heron*.—I will now, my lord, read the passage I gave in evidence from Mr. Gordon's speech at Abbeyknockmoy, on 3rd October, 1880.—"Don't rest contented slaves by the fireside. Wherever you know there is a newspaper to be read, wherever you see that Paudeen O'Rafferty's commandments are to be read, let ye go there and listen to every word and go home, and . . . that England is here only as a robber." That is the 3rd October, at Abbeyknockmoy, the speech of P. J. Gordon—we have read that.

Mrs. ANNE KELLY sworn and examined.

Sergeant *Heron*.—Mrs. Kelly, are you the wife of John Kelly, who was a head-constable?—Yes.

Very well. Were you caretaker of the house 62 Middle Abbey-street, in the city of Dublin, where the Land League held its meetings?—Yes.

Did you live there yourself from the 4th October, 1879, until July, 1880?—Yes.

Now, you knew Mr. Gordon who was examined here. That is the landlord of the house. I do not mean Mr. Gordon, the traverser?—Yes.

Well, had Mr. Gordon an office in the house?—He had not.

Very well. Did you take the letters from the letter-box that came to the house?—Yes.

Now, what did you do with the letters for the Land League?—I sorted the letters in the morning, and left those for the Land League in their office.

Now, when you placed them —— Where was the office of the Land League kept. What door of the house?—At the hall door.

On the ground floor?—Yes.

Mr. Justice FITZGERALD.—Where did you put the letters for the Land League?

Witness.—I put them on the table, my lord.

In the office?—Yes.

Sergeant *Heron*.—Which of the gentlemen used to take those letters for the Land League?—Mr. Brennan.

Is that Mr. Brennan, the traverser?—Yes.

Used Mr. Davitt take any?—Yes.

And used Mr. Michael O'Sullivan take any of the letters?—Yes.

Who first acted as secretary—Mr. O'Sullivan, was it?—Mr. O'Sullivan.

Mr. *M'Laughlin*.—The evidence should not slide in in this way. If the lady knows it herself it is quite enough. My learned friend, the sergeant, and the witness are not as a duet to give evidence.

Sergeant *Heron* (to witness)—For how long did Mr. O'Sullivan take the letters?—Oh, he took them on all occasions.

Did Mr. Thomas Brennan ever take them?—He did.

When did he begin to take them?—I do not know. He always took

them when he was there. I handed the letters to any member of the Land League who was there.

Mr. Justice FITZGERALD.—You handed them to anyone who was there?—Yes.

That is, to any member of the Land League who was there?—Yes.

Sergeant *Heron*.—Was there any name on the office of the Land League—on the door of the Land League?—Yes.

What was the name?—"Land League."

Now, during the time that you were there and lived in the house, and acted as caretaker of the rooms, did you ever see Mr. Parnell there?—Yes.

Did you see him often there?—No.

Did you see Mr. John Dillon there?—Yes.

Did you see Mr. Biggar there?—Yes.

Did you see Mr. T. D. Sullivan there?—Yes.

Did you see Mr. Thomas Sexton there?—Yes.

Do you know all these gentlemen?—Yes.

Did you see Mr. Patrick Egan there?—Yes.

Did you see Mr. Thomas Brennan there?—Yes.

Did you see Mr. Michael O'Sullivan there?—Yes.

Did you see Mr. Michael Boyton there?—Yes.

Did you see Mr. Patrick Joseph Sheridan there?—Yes.

Did you see Mr. John W. Walsh there?—Yes.

Now, you had a son, Percy Kelly?—Yes.

Used he to be in the rooms—in the office of the Land League?—Yes.

What used you to see him doing there?—I used not to be looking after him. I had not anything to do with him.

Did you ever see your son copying a few of the letters for the gentlemen?—He copied a few down stairs.

Who used to pay you?—Mr. Egan.

That is Mr. Patrick Egan?—Yes.

Very well. And used you to deliver to Mr. Egan any bills?—No, I passed it to Mr. O'Sullivan.

That is the bill for lighting the fires and cleaning the office? ——

Mr. *M'Laughlin*.—I object to this. If the bill is in writing produce it.

Mr. Justice FITZGERALD.—What were you paid for Mrs. Kelly?

Witness.—For cleaning the Land League rooms and lighting the fires, my lord, and dusting the place.

Sergeant *Heron*.—Used you to sign for the registered letters to the Land League?—Yes, occasionally.

Mr. *M'Laughlin*.—That is not strictly evidence either, my lord.

Sergeant *Heron*.—Why not?

Mr. Justice FITZGERALD.—Go on.

Sergeant *Heron* (to witness).—Did you give those letters you signed for to the gentlemen of the Land League there?—Yes.

Now, did you see Mr. Egan paying any of the men?—No.

Mr. *Adams*.—What men?

Sergeant *Heron* (to witness).—You did not see Mr. Egan paying any of the men. Now, were you there the day of the meeting in Beresford-place and in the Phœnix Park?—Yes.

Mr. *M'Laughlin*.—You mean the meeting at the Land League?

Sergeant *Heron*.—Yes; the meeting at 62 Middle Abbey-street. (To witness)—Do you remember any of the gentlemen of the Land League coming there?—Yes.

Just state to his lordship and the jury which of the gentlemen you remember having come there?—Oh, they were all there.

All the members of the Land League were there.

Mr. *M'Laughlin.*—It must be a big place.

Sergeant *Heron* (to witness).—Do you remember any of the gentlemen going away from the Land League in a drag or carriage?—Yes, I saw them going.

Tell his lordship and the jury which of them you remember going away—which of them you saw going away in the drag?—I saw Mr. O'Sullivan and the members that attended their weekly meetings.

Mr. Davitt—did he go?

Mr. *M'Laughlin.*—I object, my lord. This is a criminal case, my lord, and that is leading the witness, I submit.

Mr. Justice FITZGERALD.—He is neither leading nor driving the witness to ask was Mr. Davitt there, and did he go into the break. I should remind Counsel that there is no difference in evidence between a civil and a criminal case.

Mr. *M'Laughlin.*—Except this, that people accustomed to defend prisoners are much more careful to stop this thing at its first inception.

Mr. Justice FITZGERALD.—And very properly.

Mr. *M'Laughlin.*—I think so, my lord. Thank your lordship.

Sergeant *Heron.*—Was Mr. Davitt there?—Yes.

And was Mr. Thomas Brennan there?

Mr. *M'Laughlin.*—Does your lordship think that is fair.

Mr. Justice FITZGERALD.—Quite fair.

Mr. *M'Laughlin.*—The fact is this, that the learned Sergeant takes a list of the names and puts them into the mouth of the witness.

Mr. Justice FITZGERALD.—Oh, no; not at all. She is asked fairly and properly was Mr. Thomas Brennan there.

Mr. *M'Laughlin.*—Suppose, my lord, this was a case for conspiracy to murder, which it is not——

Mr. Justice FITZGERALD.—Then, I should receive the same evidence.

Mr. *M'Laughlin.*—And I should respectfully object to it, my lord. The identification of those persons is shown, not alone by the witness, but also by the learned Sergeant. I object to it on the part of Mr. Brennan for whom I appear.

Sergeant *Heron* (to witness).—Was Mr. Biggar there?

Was Mr. Sexton there?—I do not remember.

Was Mr. Patrick Egan?—Yes.

And Mr. Kettle—do you remember Mr. Kettle?—Yes.

How did these gentlemen go away from the Land League offices, do you remember?—In a van.

Or traps?—In a drag.

Now, do you remember when that was—in the middle of March last?—Yes.

Very well. Did you hear any of them say anything before they went away to the meeting?—No.

About where they were going to?—I knew where they were going.

Going to the Phœnix Park meeting?—Yes.

Did you see a procession of the trades of Dublin that day—did it go past the Land League?—No.

That is all I ask the witness.

Cross-examined by Mr. *M'Laughlin.*

Can you give me the names of the people who are now on their trial?—Not the entire.

To help you I tell you there are fourteen. Give me the names of them; you seem to know all about them?—Well, there is Mr. Egan

and Mr. Brennan, Mr. Sexton, Mr. Gordon, Mr. Nally, Mr. Parnell, and Mr. O'Sullivan——

Oh, you know them all now by the head?—I know them all except Mr. Sheridan.

Do you swear you saw Mr. Sheridan there?—I did not know his name, but I saw him there.

Did not you swear a little time ago that Sheridan was one of the people who was there, and now you say you don't know him?—I said I did not know his name.

You said all the Land League was there—O'Sullivan, Egan, Sexton, Boyton, P. J. Sheridan—upon your oath do you know the man at all?—I did not know his name.

Who told you his name—how did you come to know it?—From a picture.

Ah! who showed you the picture?—I bought it.

Where did you buy it?—In the *Freeman*.

Oh, I see; and you would know it by that?—Yes.

Well, certainly, you are very quick. In order to enable you to give evidence identifying Sheridan you bought the supplement of the *Freeman*?—Oh, no.

I suppose anybody you would see there represented in the cartoons, and all that, you would know if you saw them in the flesh here in this Court?—I would.

Are they like each other at all?—I think they are very like.

I suppose you know Sheridan now, do you?—I do not think I see him.

Just look round and see if you see him?—(After some hesitation)—He is not there, I think.

Is he there?—I do not see him.

Mr. Justice FITZGERALD.—What are you asking about?

Mr. *M'Laughlin*.—Mr. Sheridan (to traverser), stand up. (Mr. Sheridan stood up.) (To witness)—That is the man who is not here.

Sergeant *Heron*.—That is a most direct misrepresentation.

Mr. *M'Laughlin*.—I pass that by. I do not mind it.

Mr. *O'Brien*.—She most distinctly said Mr. Sheridan was not here.

Witness.—I did not look there (pointing towards Mr. Sheridan).

Mr. *O'Brien*.—I think it was a very gross observation.

Mr. *M'Laughlin*.—Don't mind. It was applied to me, and I do not complain of it, because I am sure the Sergeant will regret it.

Mr. Justice FITZGERALD (to witness).—Is that the person you know now?—It is.

And was he, that person, in the habit of attending at the Land League?—Not often.

But sometimes?—Yes.

Mr. *M'Laughlin*.—Do you see the jury there before you. You will allow me, having regard to your lordships' examination. Didn't I invite you to look around and see if he was there, and did not you look around?—I looked over there, and not here (the latter place referring to where Mr. Sheridan was sitting).

Is that the explanation. I know—I see. Well, I will leave that explanation to do its work.

Cross-examined by Mr. *A. M. Sullivan.*

May I ask you, ma'am, how many Land Leaguers do you know?—I could not say.

Oh, give a guess?—I know all the men who used to go there—I know all the traversers.

Ha, the traversers. You know all the traversers. I have asked you how many Land Leaguers do you know, and you answer you know the traversers?—I do, and Mr. Kettle, and Mr. Davitt, and several others.

And several others. About how many Land Leaguers do you know?—Oh, I could not tell you.

You could not tell. Do you know ten. But please let me hear you, ma'am. Speak up, so that we may hear you?

Sergeant *Heron.*—And turn your face towards the judge.

Mr. Justice FITZGERALD.—No; I will say turn your face towards the jury.

Mr. *A. M. Sullivan* (to witness).—Do you know ten of the Land Leaguers?—I do; more. I am sure I do.

Oh, I don't hear you. Do you swear on your oath you know ten of them?—I believe I do.

Do you know twenty of them?—No; I do not think I do. I did not take any interest in them while I was there, and I was there for five months.

But I did not ask you to tell me whether you had any interest in them. Did you know twenty of them?—I could not tell.

On your oath could you not tell. I have got you to ten. Do you know fourteen?—I could not tell.

Would you, on your oath, state you knew fourteen?—I could not.

Ah, ma'am, you know very well I am not asking you to tell me exactly. I am asking you to give the Court an idea of how many Land Leaguers go to this office that you know?—Oh, I know more than ten I think.

Well, do you know twenty?—I think I do; I am not sure.

How many could you safely say that you do know?—I must count them over; I could not tell you.

Well, here give us an idea—is it anything between ten and thirty?—I know Mr. Davitt ——

Oh, I am not asking you their names yet. I will come to that presently?—Well, I could not tell that way.

You could not; but you are very sure of ten?—I am.

Are you very sure of fourteen?—I think I am.

You told me you knew the traversers?—I do.

You seem to have got that very well by heart—that there are fourteen traversers. Will you tell me who first began to ask you the names of the persons you could swear to?—Who first asked me——

Yes, who first asked you?—Sergeant Sheridan.

Is he one of the police?—Yes.

He came to get out of you how many you could swear to?—He did not ask me that.

What did he ask you?—He asked me what I was asked about here to-day—how long I had lived in the Land League office, and all that.

Mr. Justice BARRY.—I cannot hear the witness.

Mr. *A. M. Sullivan.*— I cannot hear her either, my lord. (To witness)—Who first came to find out from you how many Land Leaguers you could swear to as frequenting the rooms?—I never was asked the question, how many I could swear to.

Were you asked could you swear to any?—I was never asked that—

Until now?—No, not until now. I was asked if I had been caretaker.

You heard the list of names read out to you by Sergeant Heron, and you identified them all, didn't you?—Yes.

Now will you tell me if there are not two men we read out to you whom you could not identify. I will ask you positively if you can identify every one of them now. You have the names. Are you able to say, on your oath, that every one of those men were there?—Where?

Frequenting the Land League rooms?—Yes.

You saw them?—Yes.

And knew them at the time?—Yes. Any time I opened the door I saw them, otherwise I would not see them.

You did know them at the time you let them in and saw them there?—Yes.

Didn't you swear a moment ago that you did not know Mr. Sheridan?

Mr. Justice FITZGERALD.—The whole importance of her statement, Mr. Sullivan, is this—that on the morning of the Phœnix Park meeting she saw at the office of the Land League Mr. O'Sullivan, Mr. Davitt, Mr. Brennan, Mr. Biggar, Mr. Egan, and Mr. Kettle, and that they went away in a drag. That is the whole of her evidence.

Mr. *A. M. Sullivan.*—I thank your lordship. But I thought she was examined as to my client, Mr. Egan, paying some accounts.

Mr. Justice FITZGERALD.—She stated she was paid for her services. "Patrick Egan paid me for my services at the Land League," she says.

Mr. *A. M. Sullivan* (to witness).—On this point, do you know Mr. Egan?—I do.

Do you see him in court?—Yes.

He is there. I ask you on your oath did he pay you a farthing?—I said he did not.

Mr. Justice FITZGERALD.—Then I misunderstood your evidence.

Witness.—I said it passed through Mr. O'Sullivan to me.

Mr. *A. M. Sullivan* (to witness).—Didn't you say Mr. Egan paid you?—I said the money passed through Mr. O'Sullivan's hands.

Did you not say "Mr. Egan used to pay me for cleaning the rooms and lighting the fires"?—Yes.

Mr. Justice BARRY.—But she added something at the time about the bill passing through Mr. O'Sullivan. I understood her so.

Mr. *A. M. Sullivan.*—I have that answer down, my lord. She was asked how she got the bills, and she said they passed through Mr. O'Sullivan.

Sergeant *Heron.*—Say it now as you wish to say it.

Mr. *A. M. Sullivan.*—Ah, leave her to me now. I complain of being interrupted by such an eminent member of the profession as the learned Sergeant.

Mr. Justice FITZGERALD.—I took down that she stated Mr. Egan paid her.

A *Juror.*—And that the bill passed through Mr. O'Sullivan's hands.

Mr. *A. M. Sullivan* (to witness).—I beg pardon. Can you tell about how long ago it was you saw Mr. Sheridan in the Land League office?—No, I could not.

When did the prosecutions commence? When did you hear these men were to be prosecuted, by the papers? Was that about the beginning of October?—Oh, I could not say.

What?—I do not remember.

Oh, when was it?—Will you tell me when you first saw Mr. Sheridan there?—I could not.

Was it a year ago?—I could not say. I am out of the place five months.

Oh, now, if you please, ma'am—you are out of it five months?—Yes.

You have not frequented it during the last five months?—In July I left it.

You have not frequented it during the last five months. I ask you for a reason, and I wish this answer to be taken down—do you swear to the jury that before you left it, five months ago, that you ever saw Mr. Sheridan in the office at all?—I could not tell that.

I have a reason for this, and I ask you to be cautious. Do you swear that before you left that place you ever saw Mr. Sheridan in the office at all, or that you ever saw him until you saw him here in court to-day?—I could not remember that.

I give you a fair warning——

Mr. Justice FITZGERALD.—You say now you could not remember.

Witness.—I was not opening the hall-door except at night. They passed into the office during the day.

The question is, did you ever see Mr. Sheridan there.

Mr. *A. M. Sullivan.*— Now look at that gentleman. Stand up, Mr. Sheridan. On your oath, was he ever in the office up to the time you left it?—He was. [Looking closely at Mr. Sheridan]. I think I was speaking to that gentleman.

Come, ma'am, be careful, you are swearing here in a criminal prosecution, I have a reason for asking you this, and give no excuse now—did you ever see Mr. Sheridan in the office?—Not in the office.

Oh, not in the office. Did you ever see him until you saw him in this Court to-day?—[Looking again at Mr. Sheridan]. Oh, I did see that gentleman.

Where?—I am sure I was speaking to him, too.

Mr. Justice FITZGERALD.—Where?—In the Land League—at the door.

Mr. Justice BARRY.—When you were opening the door?—Yes. I never went into the Land League.

Mr. *A. M. Sullivan.*—Your answers—you will excuse me, I must press you a little further. You will not swear you ever saw him in the Land League?—I was never in the Land League, but only let them in. I only saw them while letting them in.

You never were in the rooms?—Not when a meeting would be going on.

Mr. Justice FITZGERALD.—She cleaned the rooms and opened the door.

Mr. *A. M. Sullivan.*—I know very well what she is saying now, my lord. (To witness)—Did you ever see Mr. Sheridan entering the door of that office?—I did.

Now, let me have this very explicitly. You swear you saw him entering the Land League office—mind, you swear it before the jury?—Well, I cannot say.

You must say, ma'am, whether—I am very particular about this now—do you swear you ever opened the door for Mr. Sheridan or saw him until to-day in this Court?—Oh, I did.

Where?—In the Land League.

Say again, did you ever see him entering the Land League office?—I did, and was speaking to him.

Now, am I very correct in taking your answer to be this, that you swear that before July—now I have a reason for fixing the date—that before you left those offices you saw that gentleman entering those offices

and in them, and that you were speaking to him there?—Not in the office.

Well, in the hall?—Yes.

You swear it?—I do swear it.

Have you sworn it?—I have.

Now, I am to take it that that is as true as the rest of your evidence—that you were speaking to Mr. Sheridan in that house, 62, Middle Abbey-street?—I will swear it.

That will do. (As the witness was leaving the table she was recalled.) Are you aware, as a matter of fact, that that gentleman never was in those offices—Mr. Sheridan, stand up—that gentleman, previous to July? Will you swear that?—No.

That will do.

JOHN KELLY, sworn by Mr. *Goodman*, examined by Mr. *Porter*.

You are the husband of the last witness?—Yes.

Were you employed by Mr. Gordon as caretaker of the house, No. 62, Abbey-street?—No; I was not. I had nothing to do with it, but my wife was.

Did you remain in the house during the time it was occupied by the Land League?—Yes.

What name was on the door?—Irish National Land League.

Who was it that made use of the rooms?—Mr. Parnell used to come there, Mr. Davitt, Mr. Brennan, Mr. Egan, and several others.

Were they in the habit of being there frequently?—Yes. I saw those I have mentioned very frequently.

During the time of their occupation did parcels come for the Land League?—Letters came every morning.

Did parcels come from Dollard, the printer?—I don't know anything about that. I had another situation which took up my time from ten in the morning till four or five in the evening. I left the house at ten and returned at four or five in the evening.

Were you ever present in the rooms at a meeting of the Land League?—I never was. I had no business, and had no right to go in there.

As a matter of fact did you go into the rooms?—I did, sometimes.

Were there any documents there, any copies of the Land League rules?—There were, stuck up with pins on the walls.

Is that a copy of the Land League rules [produced]?—I don't know anything at all about them.

Mr. Justice FITZGERALD.—He has a right to say he could not recognise them.

Did you see printed documents about the rooms?—Yes, placards about country meetings, posted up around the walls.

Do you know a document called "Paudeen O'Rafferty's Ten Commandments"?—I saw a copy of it.

Where?—It was my son brought a copy ——

Mr. *M'Laughlin*.—Never mind that.

Cross-examined by Mr. *O'Brien*.

You say you are an ex-constable?—I am an ex-constable.

And these rooms belonging to the Land League, in which lawless meetings were held, you were there as caretaker? ——

Mr. Justice BARRY.—He said the very reverse—he said he had nothing to do with it; he was allowed to live there with his wife.

Mr. *O'Brien.*—I must ask you another question. Then this lawless association went and took the rooms of which your wife, the wife of an ex-constable, was the caretaker?—They advertised for a person, and we replied to the advertisement.

You had no right to go into their rooms?—No, and seldom went in.

But though you had no right, you went in?—Not very often.

That will do.

PERCY KELLY, sworn by Mr. *Maybury*, examined by Mr. *Molloy.*

Are you a son of the last witness, John Kelly?—Yes.

Were you living with your father and mother at 62, Abbey-street from October, 1879, till July last?—Yes.

Do you recollect the parlour and rooms that were occupied by a Mr. French?—Yes.

After Mr. French had left, do you recollect any two persons coming to look at the rooms?—Yes.

Who were they?—Mr. Davitt and Mr. Brennan.

What Mr. Brennan?—Mr. Thomas Brennan, the traverser.

Were the rooms taken afterwards?—I believe they were.

Mr. *M'Laughlin.*—The written agreement has proved that a week ago.

Mr. *Molloy.*—I don't forget it, Mr. M'Laughlin. (To witness)—Was there any furniture got into the rooms?—Yes.

What sort?—Tables and chairs.

Who brought them there?—I could not say.

What name was on the doors of the rooms?—Irish National Land League.

And the blind on the front window, was there any name on it?—Yes, the same.

What persons used to frequent these rooms?—There was a lot of gentlemen coming.

Did you see Mr. Parnell there?—Yes.

Did you see any of the other traversers there?—Yes, I saw them all except one—Mr. Gordon.

Mr. Justice FITZGERALD.—What one?—Mr. Gordon, my lord.

Did you see Mr. Biggar there?—Yes.

And Mr. T. D. Sullivan?—Yes.

And Mr. O'Sullivan?—Yes.

Did you see Mr. Sexton there?—Yes.

What used Mr. Brennan and Mr. O'Sullivan be doing?—I could not say exactly what they would be doing, I was very seldom in the office except to hand in a telegram, or go in to renew the fire.

Used any parcels come there?—Yes.

Did you receive them?—Some.

Did you know where the parcels came from?—Certainly.

Where?—They came from Dollard's, in Dame-street.

Mr. Justice FITZGERALD.—What is Dollard?—A stationer.

Mr. *Molloy.*—How were these parcels addressed?

Mr. *M'Laughlin.*—I object, my lord.

Mr. *Molloy.*—How do you know they came from Dollard's?

Mr. *M'Laughlin.*—I object.

Mr. JUSTICE FITZGERALD.—To whom were the parcels addressed?—To the Irish National Land League.

Mr. *Molloy.*—You spoke of meetings being held in those rooms. What days in the week were those meetings held?—On Tuesdays.

Who used you see come into these rooms to these meetings?—Several gentlemen.

Did you see the traversers?—Yes.

Used Mr. Egan to attend those meetings on Tuesdays?—Yes, I saw him very often.

Did you see Mr. T. D. Sullivan come into those meetings?—Sometimes.

Did you see Mr. Sexton?—Sometimes.

Used Mr. Brennan and Mr. O'Sullivan be there at these Tuesday meetings?—Yes.

Did you see Mr. Walsh there?—Yes.

Did you see Mr. Sheridan there?—Yes, I saw Mr. Sheridan.

Do you recollect the occasion of the meeting in the Phœnix Park, on the 14th March?—I do.

Before I go to that—Did you ever see Mr. Nally there?—Yes.

Did you see him often there?—I only saw him once.

When was that, do you recollect? The time of the Land Conference at the Rotundo—about that time.

This Sunday meeting at the Phœnix Park—On that Sunday morning were any of the traversers at the League rooms, in Abbey-street?—Yes.

Tell us who?—Mr. Sexton, Mr. Biggar, Mr. Egan. I could not exactly tell all.

But did you see those you have mentioned?—Yes.

How did these gentlemen you mention leave the League rooms on that Sunday morning?—Leave them?

Yes. How did they go away?—They went in a brake.

Do you know where they went?—They went down to Beresford-place.

Mr. *M'Laughlin.*—I suppose you went with them?—No.

Well, then, don't say a word about them.

Mr. Justice FITZGERALD.—What direction did they go in?—Beresford-place, my lord.

Mr. *Molloy.*—Were you often in those League rooms?—Yes, very often.

Did you see anything posted up on the walls?—Yes, there used to be placards pinned around the walls.

What were the placards about?—Meetings in the country—in different parts of Ireland.

Mr. *Walker.*—Strictly speaking, this is not evidence; it is not the way to get in documents.

Mr. Justice FITZGERALD.—He says he saw placards posted on the walls, that is all we have.

Mr. *Walker.*—Very well, my lord.

Cross-examined by Mr. *Curran.*

What position did you occupy in the household?—No position.

Were you there during the day time?—Yes.

And saw who were coming in and out?—Yes.

And knew when the meetings were held?—Yes.

And that they were held every Tuesday?—Yes.

Would you be astonished to hear that they were held every Tuesday and Friday?—No.

So much for your accuracy. You say you saw a number of people come in and out. Did you see bishops come in and out?—Yes, but I didn't know their names.

Did you see priests without number come in?—Yes, indeed.

Yes, to these lawless meetings. You say that a lot of letters were left there?—Yes, a great number.

Were you aware a great number of them contained cheques for relief down the country?—I was.

You say that you saw Nally there once?—Yes.

Did you ever see him attend one of the meetings?—I could not say.

Don't you know he never did?—I don't know.

On what occasion did you see him?—I am not sure of the day. It was about the time of the Land Conference in the Rotunda.

He went in to ask a question?—It looked like that.

Cross-examined by Mr. *Luke Dillon.*

Was the room principally ornamented by civil bill ejectments sent from the country?—I never saw any of them.

Cross-examined by Mr. *Adams.*

Did you see any Government officials there? Did you see Mr. Brady, the Government Inspector of Fisheries, there?—I don't know him.

Cross-examined by Mr. *A. M. Sullivan.*

When did you leave the office?—About July.

Can you speak as to any of the meetings attended after July?—No.

You only can speak up to July?—That is all.

Did not you mention Mr. Sheridan having been there?—Yes.

You are sure?—Yes.

Did you see him in the office?—Yes.

Were there any other offices in the house except the Land League offices?—Not at that time.

You saw him enter the door?—Yes.

In the hall?—Yes.

Anyone with him?—I could not say.

Anyone else present with you on that occasion?—No. I was by myself.

Are you sure?—I am.

And your mother—where was she?—She was down stairs in the kitchen. I was in the hall.

Now look at Mr. Sheridan (Mr. Sheridan rising).

Witness.—Oh, I know Mr. Sheridan very well.

But I want you to be particular. When did you first see him?—I could not tell you.

A year ago?—It might be that, or it might not. I could not go to a day or a week.

I am not asking you to go to a day or a week?—Or a month either.

Could you go within a month of it, or three months?—I could not.

Then your memory is not very sharp upon these things—your memory is not so close as that?—I have no note of it.

How many times did you see him in the hall?—I never counted, I could not say.

Did you see him twelve times?—No. I did not.

Did you see him six times?—No, nor four times.

How often did you see him?—About twice or three times.

About twice or three times?—Yes.

And you are quite sure you saw that gentleman twice or three times there before July?—I believe so.

Mr. *Molloy*.—Do you know Michael O'Sullivan's handwriting?—No.
Have you seen him write?—I never saw him write.
Would you know his handwriting if you saw it?—I could not swear to it.

JAMES SHERIDAN, sworn and examined by Sergeant *Heron*.

You are an acting-sergeant in the G Division of the Metropolitan Police?—Yes.
Do you remember, before Sunday, the 14th March, 1880, taking down this placard from a wall——
Mr. *M'Laughlin*.—You need not open it.
Sergeant *Heron*.—Allow me to conduct the examination.
Mr. *M'Laughlin*.—I object to it being opened to the jury before we know whether it is evidence.
Mr. Justice FITZGERALD.—It is not being opened to the jury, it is perfectly good evidence.
Sergeant *Heron*.—You took it down you say from a wall?—Yes, I took it down from a dead wall in Upper Dominick-street.
Do you know the day you took it down?—About a week, according to my memory, before the 14th March.
I propose to read this placard, my lord——
Mr. *Walker*.—At present I object.
Sergeant *Heron*.—I propose to prove by this—it is a placard announcing the meeting.
Mr. *Walker*.—Sergeant Heron you cannot read it.
Mr. Justice BARRY.—Can you read everything any man chooses to stick upon the wall?
Mr. Justice FITZGERALD.—Assume it to be a placard announcing the meeting, that does not make it evidence against the defendants. The witness says he took it down, about a week before the meeting, from a dead wall in Upper Dominick-street.
Sergeant *Heron*.—I thought a placard calling a meeting was always evidence.
Mr. Justice FITZGERALD.—When you connect the defendants with it.
Mr. *M'Laughlin*.—That is all that is wanted.
Sergeant *Heron*.—Do you know Thomas Brennan?—I do.
One of the traversers?—Yes.
Did you some time ago meet Thomas Brennan in Sackville-street?—I did.
And ask him for the rules of the Land League?—I did.
Have you them?—No; Superintendent Mallon has them.
When you asked him for a copy of the rules of the Land League, what did Brennan say?—"Certainly."
Very well. Did you tell him who told you to ask for it?—I did. I said that Mr. Mallon told me to ask him for it when I met him.
He is your superintendent?—He is.
Did Brennan then bring you to the office of the Land League, in Middle Abbey-street?—He did.
And did he give you a copy of the rules that you afterwards gave to Superintendent Mallon?—He gave me several copies similar to this one.
Did he also give you a copy of the letter called John Devoy's letter?—I asked him for it.
Also by direction of Mr. Mallon?—Yes.
And so you told him?—Yes; and he also gave me a copy of Dr. Croke's letter.

Mr. *Adams*.—Do you enter that?

Sergeant *Heron*.—I propose, my lord, to put in the copies of the rules of the Land League, and this copy of John Devoy's letter. Is this the same copy you got from Brennan?—I am not sure; the one I got from him, I gave to Mr. Mallon.

Very well. Mr. Mallon now produces it on his oath. Now, is the office in which Brennan gave you those at 62 Middle Abbey-street?—Yes.

Is there anything on the window?—Yes. On a wire screen there is "National Land League."

Irish National Land League?—No, not "Irish" National Land League—National Land League.

Very well. I thought you said Irish Land League. Where were you on Sunday, the 14th March—were you watching the procession or meeting going to the Phœnix Park?—I was part of the time in Beresford-place.

At what hour were you at Bèresford-place?—As well as I recollect about half-past nine o'clock or ten o'clock.

Do you remember any assembling of the procession in Beresford-place?—I do.

Describe what was the assembling of the procession?—It was a lot of trades people fell in line.

Yes, the trades of Dublin with banners?—Yes.

Did you see any of the traversers—the gentlemen on their trial here—in Beresford-place?—No.

Where did you see any of them that day?—After the meeting was over I was in the People's Gardens ——

Never mind that. Were you not watching to see anyone going in the procession?—I was not.

Mr. *Walker*.—I suppose Mr. Brennan knew who you were, Sergeant Sheridan?—Oh, perfectly.

And he at once brought you to the League office?—Yes.

And gave you some documents?—Yes.

And in fact everything you asked him for?—Yes.

Indeed more it seems. Did you ask him for Dr. Croke's letter?—I did not.

What did you do with it when you got it?—I gave it to Mr. Mallon.

Did he give you anything else?—No.

Did you ask him for John Devoy's letter, and the rules of the National Land League, and he gave them to you with Dr. Croke's letter?—Yes.

MICHAEL THOMAS O'REILLY, sworn and examined by Mr. *Porter*.

Are you a member of the firm of Alley and O'Reilly, printers?—I am.

Your name appears on some of these papers?—Yes.

You were served with a subpœna to come here and produce documents. Now, did your firm do printing for the Land League?—We did.

Look at that document (placard handed to witness)?—That is ours.

On whose order was that printed?—I don't know.

To whom was it delivered?—To the Land League.

How many copies?—I don't know.

About how many?—I should say about 500.

Have you a book here?—I have.

Mr. Justice FITZGERALD.—How many do you say?—I am not certain

my lord, but probably there would be 500—that would be, I think about the number.

The *Attorney-General.*—This placard was originally for the 22nd February, before the white strip was put across it.

Mr. *Porter.*—Now refer to your book and make certain of the number?—(*Witness* reading)—500 two sheet double demy posters, dated November 18th, coloured paper, to meet in the Rotunda.

This is in February?

Mr. Justice FITZGERALD.—Was the meeting in March?

Mr. *Porter.*—It was.

Mr. *M'Laughlin.*—That's not the meeting at all you are reading.

Witness.—I cannot find the entry.

Mr. *Porter.*—You say they were supplied to the Land League?—Yes.

Were you yourself in the Land League rooms—I mean in the way of business?—Several times.

Did you do much printing for them?—A good deal.

Who did you meet when you went there?—The secretary, Mr. O'Sullivan, and Mr. Brennan.

Do you know Mr. Egan?—Yes.

Did you ever meet him there?—I did.

Were you paid by the Land League for this printing?—I was.

And the other printing you did?—Yes.

Who paid you?—Generally Mr. Brennan.

Who else paid you, if Mr. Brennan did not—

Mr. *M'Laughlin*—Were you paid by cheque?—Yes.

I must object then to this evidence.

Mr. *Porter*—Who handed you the cheque?

Mr. *M'Laughlin*—I object. That's evidence of contents.

Mr. *Porter*—It is not. Who handed you the document?—

Mr. Justice FITZGERALD—You say you were generally paid by the secretary Mr. Brennan?—Yes.

How did he pay you?—By cheque.

And that cheque was generally cashed in the bank?

Mr. *M'Laughlin*—I object, my lord.

Mr. Justice FITZGERALD.—He is paid by Brennan, and the paper which he got he cashed in the bank—the evidence is perfectly regular.

Mr. *M'Laughlin.*—There is no difference, as your lordship has stated already to-day, between the rules of evidence in civil and criminal cases, except that we watch evidence more closely in criminal cases, as we are bound to do. Suppose the fact of payment in a civil case were proved by a payment by cheque, there would be notice to produce the cheque in Court.

Mr. Justice FITZGERALD.—Regularly speaking. But here a party gave him a paper which he took to the bank and received cash for.

Mr. *M'Laughlin.*—Well, my lord, I ask you to note my objection. If a large mercantile transaction were being tried such proof would not be received.

Mr. Justice FITZGERALD.—There is no doubt about it, whatever. (To witness)—Did you get the cheque cashed?—We lodged it to our account in the bank.

Mr. *Porter.*—And you never got any notice from the bank stating that there were no funds to meet it?—Never.

Mr. *M'Laughlin.*—You lodged it you say?—Yes.

That's the way it comes out now.

Mr. *Porter.*—Now you mentioned another entry in your book about

a Land Conference in the Rotunda. Give me the date of that?—(*Witness* reading)—500 two-sheet double demy post on the 18th November.

Is that the date of the receipt of the order or the supplying of the documents?—It is the date of the order.

Mr. Justice FITZGERALD.—What was that order for?—500 two-sheet double demy post.

Is that a poster?—Yes, technically called double demy post.

Mr. *Porter.*—What was that placard about?—A meeting in the Rotunda, my lord.

Was that the meeting of the 29th November?—I cannot tell. It merely says "Meeting in the Rotunda."

Now look at that (small bill handed to witness). Is that document printed at your establishment?—It is not.

Now, besides these documents that you have already mentioned what other documents did you print for the Land League?—Several small documents.

What were they?—I can't say.

Mr. *M'Laughlin.*—I object. They ought to be produced. Don't answer.

Mr. *O'Brien.*—In fact he says he cannot describe them.

I see your name on that—did you print that—the Land League rules?—Yes.

How many copies did your firm print?—"A thousand copies—4 page rules of the Land League."

That's one—did you print more than one set of these?—Another "thousand copies of the rules of the Land League."

That's two?—That's all I see here.

Can you tell me from your knowledge of the type who was the printer of that (document handed to witness)?—I do not, and if I did know I would not be inclined to tell.

That's a matter for the Court.

Mr. Justice FITZGERALD.—You would have to answer it if you knew it.

Mr. *Porter.*—Do you know Mr. O'Sullivan's signature in writing?—I do not.

Mr. *M'Laughlin.*—Are you a printer yourself?—I am.

So am I—for the purposes at least of this cross-examination. This is the way it ran "On Sunday, the 22nd February, 1880," therefore this bill must have been printed prior to that—had you in that book any account of the books that you printed for the Land League including this?—Yes.

Now, will you find an entry prior to the 22nd February referring to this particular placard—just look and see if you can—the only date you have given yet is the 18th November—on your solemn oath now, was that ever printed by your firm at all?—On my oath, I believe it was.

Will you swear positively it was?—I will not.

Do you see the name of the printer is off there. Now just look quietly again, and see whether you have not fallen into a natural mistake, and that that is not your printing at all?—I believe we printed it.

Will you find me any entry debiting anybody with a number of bills about that time?—Yes, I have—a thousand. It's a thousand, my lord, and not 500 double demy post that was ordered for one Phœnix Park meeting.

Now, you said 500 before?—No; I said I thought 500.

Now, are you sure that what remains is your imprint there?—I am.
Did you print this—"14th March"?—I cannot say.
I suppose that would describe nearly the whole of it?—It would not.
What name does your firm go by?—Alley & Co.
You won't say with positive certainty that that is your print?—To the best of my belief it is.
That is as far as you can go?—It is.
Mr. Justice FITZGERALD.—And the date you say corresponds with the entry in your books?—Yes, my lord.
What is the entry?—1,000 copies double demy coloured posters.
Mr. *M'Laughlin.*—Will you swear that that has reference to the same posters—will you swear that they were printed three weeks before the meeting?—That's the entry.
Having regard to the ordinary course of affairs is it likely that the posters would be printed three weeks before the meeting—now looking at that and the entry in your book and the mistake made before is it likely you printed them?
The *Attorney-General.*—There was no mistake made before.
Witness.—I believe we printed them.
Sergeant *Heron.*—Now, I propose to read the yellow poster, "Land and Labour. A great public meeting under the auspices"——
Mr. *Porter.*—I beg your pardon. You referred to the green placard—is that (holding up green document) your print?—No.
Sergeant *Heron.*—You may go down now. The placard is as follows:

"LAND AND LABOUR.

"A great public meeting under the auspices of the Irish National Land League to advocate the right of the people to the land, and in support of the Cause of Labour, will be held in the Phœnix Park, Dublin, Sunday, 14th March, 1880. Citizens of Dublin, show by your presence that you sympathise with your countrymen struggling against landlord wrong, and that you will aid them in their noble endeavours to keep a firm grip of their homesteads and live in the land of their birth. Artizans of Dublin, the cause of the tiller of the soil is the cause of labour, and therefore your cause. Assemble in the might of your numbers and aid your brothers in the assertion of their God-given right to the soil they till. The four gentlemen at present under prosecution by the Government—Messrs. Davitt, Brennan, Daly, and Killen, as also Messrs. Joseph G. Biggar, M.P., John Ferguson, Glasgow, W. H. O'Sullivan, M.P., John J. Louden, B.L., Westport, T. D. Sullivan, A. J. Kettle, and other speakers will address the meeting.—Land and Liberty."

RICHARD CORR sworn and examined by Sergeant *Heron.*

You are Chief Superintendent of the Metropolitan Police?—I am.
Do you remember Sunday, the 14th March?—I do.
Now, on that date were you in Beresford-place?—I was.
Do you remember any assembly or procession in Beresford-place?—I do.
Was there a large procession?—I suppose there must have been between 16,000 and 17,000 persons present in Beresford-place.
Now, did you see any of the gentlemen who are present in brakes or drags?—Well, I don't recollect. I do not recollect.
First of all, I mean, in Beresford-place?—No.
Did you go along with the procession towards the Park?—I did.

Did you see any of the gentlemen who are now on trial at the Park?—I did not know any of them then, with the exception of Mr. T. D. Sullivan.

Well, superintendent, did you see him since?—I think I did.

Mr. *O'Brien.*—Now then, you think.

Witness.—I was not very particular, inasmuch as I did not think at the time that anything——

Sergeant *Heron.*—Oh, never mind that. How long did the meeting last?—I think about three hours.

The meeting itself in the Park—was it largely attended?—There could not have been less than 10,000 or 12,000 people there when they reached the Nine Acres in the Park.

Mr. Justice FITZGERALD.—9,000 or 10,000 people?—Yes, my lord.

The witness was not cross-examined.

GEORGE BRYARS sworn and examined by Mr. *Murphy.*

What are you?—I am manager of the Dublin Steam Printing Company.

Did you print documents for the Land League?—I did.

On whose instructions?—Well, as far as my own knowledge is concerned, on the instructions of Mr. O'Sullivan.

What documents did you print for them?—I have the book there.

Very well get the book?—I have a copy which I took from the book here (produced from witness's pocket).

Mr. Justice FITZGERALD.—Well you can refresh your memory from it.

Witness.—I printed 500 circulars, "Land Conference."

When was that?—On the 26th April. I printed 200 posters for a meeting on the 5th May, in Queen's county. I printed 50 posters for Lisanea Branch. I printed 200 letters, "Mr. Bradlaugh." I printed 5,000 eight-page letter, "Mr. Devoy."

Mr. Justice FITZGERALD.—That is Devoy's letter now—will you read it as part of your case.

Mr. *Murphy.*—I am told it has been marked and given in.

The *Attorney-General.*—That's what was given by Mr. Brennan?—Yes.

Mr. Justice FITZGERALD.—If you have entered it. You have not read it. Do you intend to read it?

The *Attorney-General.*—Yes.

Mr. Justice FITZGERALD.—Then we may take it as read.

Mr. *Murphy.*—What other printing did you do?

Witness.—5,000 circulars, Mr. Harris; and 1,000 ballads, Murty Hynes; and 500 Dr. Croke's address. That is all I think.

Look at this document. Was that printed in your office (document handed to witness)?—Yes; I believe it was.

How many copies of it? Have you any entry in your books about it?—I have no entry for the National Land League.

For that document?—For that document.

By whose instructions, then, was it printed?

Mr. *M'Loughlin.*—I object. He says he believes.

Mr. Justice FITZGERALD.—The paper now produced—was that printed in your office?—To the best of my belief it was.

Mr. *Murphy.*—Do you know from whose instructions?—I do not.

Have you got any entry in your book that would tell?—Yes. I know who it was charged to and paid by.

By whom?—Mr. Davitt.

Mr. Justice BARRY.—What document is it?

Mr. *Murphy*.—Paudeen O'Rafferty's commandments.

Mr. Justice FITZGERALD.—How many copies were printed?—I don't know, my lord.

Mr. *Murphy*.—I suppose by looking at your book you could tell?—No, I could not tell by that book. This book only has any reference to the Land League.

What about this book?—It would not be in that book. I think the transaction took place over the counter. It was paid for at the time.

Mr. Justice FITZGERALD.—A cash transaction over the counter?—Yes, my lord.

Mr. *Murphy*.—Is this the document that you mentioned—"Mr. Harris on the political situation?"—Yes; I believe that to be the document.

[Document handed in to be marked for the Crown—"Mr. Matthew Harris on the political situation."]

Who paid you for that printing?—It was paid for by cheque.

Who was the person who gave you the cheque?—Our collector called at the Land League offices, and got the money.

Cross-examined by Mr. *Peter O'Brien*.

I didn't catch from you how many copies of Dr. Croke's address did you print?—5,000.

Sergeant *Heron*.—I want to identify the thing. Just look at the first verse of that (document handed to witness)?—Is that the poem entitled, "Murty Hynes?—Yes.

Sergeant *Heron*.—I ask to have that document marked.

Mr. *Walker*.—We object to that.

Sergeant *Heron*.—I ask that the document, which the witness proves to have been printed at his establishment, should be marked for identification.

Mr. *Walker*.—I object to that.

Mr. *Maybury*.—May I mark this, my lords?

Mr. Justice BARRY.—Yes; mark it.

Mr. Justice FITZGERALD.—Is it read?

Mr. *M'Laughlin*.—No, my lord.

Cross-examined by Mr. *Adams*.

You said that somewhere about 200 copies were printed of the letter by Mr. Bradlaugh?—Yes.

Was not that letter, which you say was by Mr. Bradlaugh—was not that a letter signed by "A Roman Catholic of Dublin"?—I don't know the history of this transaction.

You won't swear it was not a letter signed by a Roman Catholic which appeared in one of the Dublin newspapers?—No; I have no knowledge of my own. I cannot swear to that.

Police-Constable JAMES DONNELLY, Metropolitan Police, sworn by Mr. Goodman, Clerk of the Crown, and examined by Mr. *Constantine Molloy*.

Donnelly, do you recollect the meeting in the Phœnix Park on Sunday, the 14th of March last?—I do.

Were you present at that meeting?—I was.

Was there a chairman at that meeting?—There was.

Who was the chairman?—I believe his name was Kettle. I was told so.

Do you know Mr. Patrick Egan?—I do.

How long have you known him?—I think since '57—the year 1857.

Was he at that meeting?—He was.

Was he introduced to the meeting by any person?—Yes, by the chairman, Mr. Kettle.

And did Mr. Egan address the meeting?—He did.

Do you know Mr. Biggar?—I never saw him until that day, but I would know him again.

Mr. Justice FITZGERALD.—Was Mr. Biggar there?

Witness.—He was, my lord.

Mr. *Molloy.*—Did he address the meeting?—He did.

Do you know Mr. Sexton?—Well, not too well, but I would know him again; but I never saw him until that day.

Mr. Justice FITZGERALD.—Was there a person of the name of Sexton there?

Witness.—Yes, my lord.

Mr. *Molloy.*—And he addressed the meeting?—Yes, he did.

Mr. Justice FITZGERALD.—Do you know that person to be one of the defendants?

Witness.—Yes, my lord; but I don't see him here.

Mr. *Molloy.*—Do you know Mr. Michael Davitt?

Witness.—I never saw him until that day, but I would know him again.

And was he there?—He was.

And did he address the meeting?—Yes, he did.

Do you know Mr. Thomas Brennan, one of the traversers?—I did not know him then, but he was the first speaker after the chairman. He was the first that the chairman introduced to the meeting.

Mr. Justice FITZGERALD.—That was Mr. Thomas Brennan?

Witness—Yes, my lord.

Cross-examined by Mr. *Curran.*

What brought you there?—I was sent there to preserve order.

And were not required?—It was very quiet and orderly.

And I suppose you liked a great deal of what you heard?—I didn't hear much, because it was a good deal thronged and I was outside the throng.

But the little you did hear?—I didn't hear much; I could not get that close.

Mr. JOHN MALLON re-examined by Mr. *Constantine Molloy.*

Now, Mr. Mallon, was there more than one person distributing these papers that you have mentioned, when on the table before?—There were two men, one on each side of the road.

Now is that (handing a paper to witness) one of the documents you got?—It is.

Now were those men giving them to the persons going into the park gates where the meeting was held?—Yes.

And did they distribute a large number of them?—They seemed to do so. They seemed to have a large number of them.

Mr. *Molloy.*—Now, my lord, I propose to read this document.

Mr. *Walker.*—I object to its being read.

Mr. Justice FITZGERALD (to witness).—They were given to the parties apparently going to the meeting.

Witness.—Yes, my lord.

Mr. Justice FITZGERALD.—What is your objection, Mr. Walker?

Mr. *Walker*.—Merely, my lord, that this document has not been in any way connected with the Land League, or with any of the traversers.

Mr. Justice FITZGERALD.—You know that is hardly the case. Is this the document of which the last witness spoke as a cash transaction over the counter, ordered and paid for by Mr. Davitt?

Mr. *Walker*.—Yes, my lord.

Mr. Justice FITZGERALD.—Who attended the meetings of the Land League, and as to whom already, in many of the papers before us, we have undoubted evidence—first, that he was the originator, and certainly that he is a very active member of the Land League.

The *Attorney-General*.—One of the secretaries?

Mr. *Walker*.—He is not one of the secretaries of the Land League.

Mr. Justice FITZGERALD.—Is he one of the secretaries of the Land League?

Mr. *M'Laughlin*.—He is not, my lord.

Mr. Justice FITZGERALD.—There is evidence that he attended this meeting at the Land League rooms, and these papers were distributed at the Park gate to the parties attending that meeting. It appears to me to be very clearly evidence.

Mr. *Walker*.—Would your lordship take my objection?

Mr. Justice FITZGERALD.—I will take your objection, in fact I have it already down.

Sergeant *Heron*.—Have it marked now for the purpose of identification.

Mr. *Goodman*.—It is marked.

Mr. *M'Laughlin*.—Mr. Walker objects for all, your lordship will understand?

Mr. Justice FITZGERALD.—I will take it for all. It has taken us exactly two hours and a half to get that in.

Mr. *M'Laughlin*.—Well some of us might have done it more rapidly.

Examination resumed.

Mr. *Molloy*.—Just look at that copy of the rules of the Irish National Land League (document handed to witness)?—Yes, it was handed to me by Acting-Sergeant Sheridan.

And you produced it here to-day while he was under examination?—Yes.

Mr. Justice FITZGERALD.—I suppose you will read this?

Mr. *Molloy*.—Yes, my lord (the document was then entered by the Attorney-General).

Mr. *Molloy* (to witness).—That is a copy of Devoy's letter which you got also (document handed to witness)?—Yes.

Cross-examined by Mr. *Walker*.

Have you got Dr. Croke's letter?—Yes (witness taking it out of his pocket).

That is safe in your pocket?—I kept them together.

Is that the one you got?—Yes.

Was it torn when you got it?—I don't know. (Document handed to counsel.)

What made you tear off the name of the archbishop?—It was torn off this morning when taking out other documents.

Sergeant *Heron*.—It was torn by accident.

Mr. *M'Laughlin* (to witness).—You would not make an attack on the church to your knowledge?

Mr. *Walker*.—Now, you may go down. (Alluding to Dr. Croke's letter)—this is to be put in as part of the bundle.

Sergeant *Heron*.—I object to that.

Mr. Justice FITZGERALD.—You can put it in at the proper time, Mr. Walker.

Mr. *Walker*.—It has already been put in as part of a meeting, and we may as well have it put in now.

Mr. *J. F. Goodman* (Clerk of the Crown).—I am going to mark this as entered by the traversers.

Mr. *Walker*.—Yes.

Sergeant *Heron*.—Does you lordship allow it?

Mr. Justice FITZGERALD.—We have already had it in full as part of the proceedings, so I don't see the objection to reading it again.

This being the usual time for adjournment (1.35 P.M.), the Court suspended its sitting. On resuming,

Sergeant *Heron* said—My lord, we have entered as read, in order to save the trouble of reading, "Paudeen O'Rafferty's Ten Commandments," and also the rules of the Land League, and I have given a copy to my learned friends on the other side, and I will give copies for your lordships also.

The documents put in on the part of the Crown and alluded to by the learned Sergeant, are as follows:—

"Paudeen O'Rafferty on the Landlords' Ten Commandments.

"Dedicated to Exterminators and Rack-renters, as also to the people who work.

"The Creed of the Right Hon. Lord Clan Rack-rent, Earl of Idleness, and Viscount Absentee.

"1st. I am the Landlord, thy Master, who paternally condescends to take charge of thy earnings in the shape of rent.

"2nd. Thou shalt have no other Master but me, and no other use for thy money than to be duly paid and delivered in at my Rent Office upon every gale day, in order that I may live in a state befitting my rank, and be sumptuously fed and delicately cared for, without stooping to the ignominy of Labour or feeling the hardships of want.

"3rd. Thou shalt not speak disrespectfully or with covered head of thy Master, his Agent, Bailiff, footman or dogman, or murmur or complain against the holy doctrine—'Obey thy Masters.'

"4th. Thou shalt keep holy the Sabbath Day (*Laborare est orare*) by labouring to earn thy sacred obligations of Rent, and win for thyself that poverty and self-denial which is essential to eternal salvation.

"5th. Honour thy landlord that thy toil may be long in the land of thy birth, and thy reward at some not distant day the romance of eviction, workhouse luxury, or occidental immigration.

"6th. Thou shalt not kill any hare, rabbit, fox, or bird that may visit thy farms; thou shalt not fish for, catch or eat any creature found in the streams which flow through my fields, or commit the sacrilege of doubting the justice of those laws which give more protection to the game of the field than to those who are moulded in the image of their Creator.

"7th. Thou shalt not violate the great moral law upon my estate, which forbids the marriage of thy sons or daughters, particularly thy daughters, until myself or my agent shall first satisfy ourselves that such a step is agreeable or beneficial to myself or my agent.

"8th. Thou shalt not steal an idle moment, neither shall thy children, from the blessed occupation of labour in my service, to indulge in the worldly pleasures of reading books or newspapers or to listen to immoral teachings against my sacred prerogative as thy lord and master.

"9th. Thou shalt not bear any witness against the difference between my rent and the valuation of that arch-infidel Griffith; neither shalt thou speak behind my back to the evil agents of the National Land League—a society which aims at the destruction of Landlord law and order, and which must plunge its fanatical supporters into eternal peasant proprietary.

"10th. Thou shalt not covet a better condition of life, or sigh for worldly wealth or comfort in which there lieth both evil to body and soul; neither shalt thou envy my manorial residence, carriages, horses, hounds, or pleasures, but continue to cheerfully toil from early morn till hungry eve, to rest satisfied with thy mud-walled cabin, thy noble rags and blissful ignorance, in order that one day thy reward shall be reaped by the appearance at thy door of a legion of spirits in the uniform of the R.I.C., to conduct thee and thy children to that mansion of penitential bliss which the English Government and myself has created for thy use.

"PAUDEEN O'RAFFERTY'S OPINIONS UPON THE FOREGOING CREED.

"God, the Creator of this Universe as well as the land of Ireland, is my only Landlord in Justice, for it was He who made all creatures and all things, whereon they should live, and stipulated the rent to be paid when He declared that mankind should earn its bread by the sweat of the brow.

"The land, like the air, and the sunshine, and the water, is a natural agent created (like them) for the sustenance of the human family and not for the profit and pleasure of a few whom Society may deem exalted and privileged.

"God is the essence of Justice and Goodness, and could not, therefore, ordain that a few who pay Him no sacrifice in the shape of labour should own the land, that would be useless without that toil which is essential to the bringing forth of food for the children of men.

"The laws which reverse the Divine intentions of the Almighty cannot be of Justice or of Him, and must, therefore, be the offspring of Injustice and of Wrong.

"A system which gives to idleness the first claim upon the earnings of industry is a fraudulent and a monstrous one. I toil and sweat—I tramp and suffer—to fulfil my obligations to the cause of my existence; I labour every day in order that my children shall not want, and that I may discharge my duties to those who aid me, in my progress through life, by their labour in supplying me with clothing and such necessaries; yet most of my earnings is not my own—the fruits of my toil are seized upon by another, and in the form of rent I am compelled to pay a tax for living on the earth upon which my Creator placed me, and for using the land which he made for my sustenance.

"The supreme God-ordained right of existence is contravened and stamped upon by the arbitrary power of monopoly and wealth, and man's injustice to man has supplanted the eternal law of the Creator in his behalf.

"The toiler in the field, the artizan in the workshop, the miner in the pit, the mariner on the sea, the brain-worker at his desk, are all fulfilling the duties of life, and are producing the food and creating the wealth which sustains mankind and upholds the framework of govern-

ments and society; yet, another class—the aristocratic caste—does nothing but govern and trample upon the classes which support it in voluptuous use.

"To crush the industrious and monopolise wealth, power, pleasure, and honour in this life, the privileged—though idle and morally worthless few—are allowed by passive millions to act as follows:—

"To govern in every land and make laws for every people—but themselves—to keep.

"Armies are organized and officered to conquer and keep under the people who work.

"Policemen are to watch, judges to try, and prisons to keep, the toilers who have to support them. A society is empowered to look upon work as menial and degrading, and upon idleness and fashion as ennobling and grand.

"And finally,

"Religion is expected to preach doctrines to the people which make slavery and poverty the chief ends of life, and cowardice and submission to every wrong a passport to everlasting happiness.

"I, Paudeen O'Rafferty, farmer, from Krucknaspulugudthawn, in the county of Mayo, enter my solemn protest against the landlord's creed, and to society's injustice against me and my co-workers; and having come to the Phœnix Park meeting to advocate the cause of Land, Labour, and Liberty, and not being able to make a speech, do hereby place my opinions before the people of Dublin City.

"(Signed), PAUDEEN O'RAFFERTY."

"Irish National Land League.
"Offices: 62 Middle Abbey-street, Dublin.

"Various applications having been received from different parts of the country, and from England and Scotland, for rules to aid in the formation of Branches of the Land League, the following suggestions on organization were submitted and adopted pending the preparation and issuing of rules for the proper management of such bodies:—

"1. A Branch of the Irish National Land League should be formed in every parish in Ireland, or at least in every barony, with sub-branches or tenants' clubs upon every large estate, if possible.

"2. Land Clubs in connection with the National Land League, for the purpose of aiding it in its labours to emancipate the Irish tenant-farmers from Landlordism, should be formed in towns and cities in Ireland, as also in the centres of Irish populations in England, Scotland, and America.

"3. The Tenant-Farmers of a parish or barony, or other parties interested in the settlement of the Land Question, should convene a meeting in some central place, and proceed to the formation of a Branch of the Land League.

"4. Wherever a public meeting in connection with the agitation for reduction of rents and change of Land system has been or is held, a local Branch of the Land League should be formed. The committee which organized or which organizes such meeting could undertake the calling together of the tenant-farmers of the district, parish, or barony, and others desirous of co-operating, and superintend the election of the officers of the Branch to be formed.

"5. A President, Treasurer, and Secretary should be elected as the Executive of the Branch or Association, and with them four other

members to form an executive committee of seven or the general management of its affairs.

"6. These offices should be held for a term of one year, unless misconduct should necessitate the removal of any officer before his term of office expires.

"7. The election of officers should take place by ballot.

"8. The membership qualification should not be less than one shilling each year from tenant-farmers or labourers. A higher rate of subscription could be fixed at the formation of a Branch Association if the means of the farmers in the locality would justify such a rate. An honorary membership for merchants and sympathisers could be created in connection with each association with a yearly subscription of not less than ten shillings.

"9. The funds of a local branch of the Land League should be used for defending such of its members as might have to resist rack-renting, arbitrary disturbance by landlord, or any unjust action in connection with a tenant's holding, for which public opinion should be evoked or compensation claimed under the provisions for that purpose set forth in the Land Act of 1870.

"10. Local branches voting a per centage of their funds to the National Land League could claim its assistance in defending such actions as the foregoing, when resolved upon in the interests of the tenant-farmer member sought to be wronged or injured by his landlord or agent.

"11. When a case for trial should be determined upon by a local branch a special levy should be made upon each member to meet the necessary expenses; if the funds in the hands of such branch should be inadequate a general meeting of the members should be called for that purpose, and the amount of special levy fixed upon.

"12. No man taking a farm from which another has been evicted for non-payment of unjust rent should be allowed to become a member of any branch of the Land League.

"13. Any member of a Branch Association bidding for or occupying a farm from which a member or non-member has been evicted, or, who shall rent land which a member or non-member may have surrendered on grounds of excessive rent, or upon a refusal of a fair reduction of a rack-rent, shall be expelled the branch for such action, and should be looked upon and shunned as a traitor to the interests of his fellow-tenant-farmers and an enemy to the welfare of his country.

"14. No man assisting to serve processes of ejectment, or taking part in an eviction or purchasing stock or produce seized for non-payment of a rack-rent to be allowed the membership of any branch or association. Any member of a branch proved guilty of any of the foregoing acts to be at once expelled, and denounced for his action.

"15. Meetings of the local branches could be held in the chapel yard on a Sunday if no other place of meeting be available.

"16. Cases of rack-renting, contemplated evictions, &c., &c., should be then reported, and the particulars forwarded to the Land League by the secretary of the branch.

"17. The managing committee of each Branch of the League should keep a register of the members, particulars of their holdings, names of their landlord and agent, amount of rent paid annually or otherwise, excess of same over ordnance valuation, cases of rack-renting and eviction, and all other necessary particulars touching the relation of landlords with their tenants in the locality of such Branch of the League.

"18. The managing committee should undertake the organizing of

public meetings in connection with the National Land Movement within the district or districts forming the Branch of the League to which they belong.

"19. Meetings to protest against evictions to be also superintended by the managing committee of such Branch as may be within the district where the eviction takes place.

"20. An evicted member and his family to be sheltered and provided for by his branch association.

"LAND CLUBS IN CITIES AND TOWNS.

"21. Irish National Land Clubs should be formed in cities and towns in Ireland, England, Scotland, America, Canada, and Australia, for the purpose of aiding the National Land Movement in effecting a final and satisfactory settlement of the Irish Land question.

"22. Such land clubs should be like the National Land League—non-sectarian.

"23. The particular organizatiou of such clubs could either be left to opinions on same prevailing at initiatory meetings, or be based upon those laid down for branches of the Land League, which require a managing committee of seven, including a president, treasurer, and secretary.

"24. The subscription fixed upon for membership of land clubs should be remitted to the treasurers of the National Land League, Dublin, less the working expenses of such clubs.

"25. Such moneys to be used for the purpose of sustaining the National Land Movement in effecting such a change in the land system of Ireland as will establish the cultivator of the soil as the owner thereof. (On the formation of the Irish National Land League, October 21, 1879, it was resolved—"That none of the funds of this League shall be used for the purchase of any landlord's interest in the land, or for furthering the interests of any Parliamentary candidate.")

"26. Land clubs in connection with the National Land League should advocate the cause of labour and humanity everywhere as well as in Ireland.

"27. Reading-rooms and national libraries should, if possible, be established in connexion with land clubs.

"28. Prizes for essays upon the most feasible settlement of the land question should be offered from time to time, and the prize essay printed for circulation among the tenant-farmers of Ireland.

"29. Land clubs outside of Ireland should also undertake the forwarding of papers friendly to Ireland and the land movement to local branches of the Land League, for distribution among the poorer portion of the agricultural classes.

"30. Such land clubs should also support and patronise those of the National papers in Ireland which advocate the ownership settlement of the land question.

"31. Land clubs in England, Scotland, and America should also undertake the task of educating the people surrounding them on the claims of the people of Ireland to a free soil, and endeavour to enlist foreign sympathy everywhere for the efforts which the farming classes are now bent upon making to emancipate themselves from a feudalistic land code which has been swept from the path of every other civilized people.

"A. J. KETTLE,
"MICHAEL DAVITT,
"THOMAS BRENNAN, } Hon. Secs."

Mr. JOHN MADDISON BOND, sworn by Mr. *Goodman*, Clerk of the Crown, and examined by the *Attorney-General*.

Mr. Bond, what is your profession?—That of a reporter.

Were you in June last reporting for any of the Dublin papers?—Yes, I was.

Which of them?—The *Express*.

Did you attend the meeting of the National Land League on the 8th of June, 1880?—I could not say.

You don't know the day?—Were you in the habit of attending these meetings every week?—No.

Any meetings you did attend, did you make a note of the proceedings?—Any I did attend—yes.

When you left the meeting, did you make a transcript of your notes for the purposes of publication?—Well, I did not, for I often wrote at the meetings without taking notes. I wrote in longhand.

Well, I suppose you would know your own handwriting?—Yes.

We now call Mr. John Robinson, who has been subpœnaed to produce the transcripts of the meeting which was published in the *Daily Express* of the 9th of June, 1880.

Mr. *Goodman*.—Do you wish Mr. Robinson sworn.

The *Attorney-General*—No; he is merely on the *subpœna duces tecum* to produce documents.

(Mr. *Robinson* then handed the Attorney-General some slips of paper fastened together.)

Is that (handing the documents to the witness) your handwriting?—Yes.

Well, did you take a report in longhand of that meeting?——

Mr. *Adams*.—I object on the part of Mr. Michael M. O'Sullivan. He has never been asked whether he was at that meeting, nor where the meeting was.

The *Attorney-General*.—Did you attend that meeting—the meeting of the 8th of June?—I could not say. Sometimes I reported those meetings when I was not at them.

What do you say?—I sometimes reported Land League meetings at which I was not present.

Now, look at the document in your hand—quietly and calmly, and say whether you reported that meeting?—I should say, after looking at the document, that I did not, because there are no erasures or alterations, or anything of that sort in it.

That is your handwriting?—Yes.

Do you remember under what circumstances you wrote that?——

Mr. *M'Laughlin*.—I object to that.

Mr. Justice FITZGERALD (to witness).—You can answer that question.

The *Attorney-General*.—You may go down then.

The witness was about to leave the table when he was re-called.

The *Attorney-General*.—Perhaps I might ask you, Mr. Bond——

Mr. Justice FITZGERALD.—What answer did he give you to your question as to under what circumstances did he write the document.

The *Attorney-General*.—He says the document is in his handwriting, my lord.

(The document was again handed to witness).

Now, look at that again, and tell me under what circumstances did you write that?—Well, I could not possibly say, because I suppose it is a long time ago.

How long ago?—On the 9th of June.

That is very long ago?—Well, I suppose I have written 500 or 600 reports since then.

Mr. Justice BARRY.—Why do you call them reports if you were not there?—(No answer).

Who gave you the materials for that report?—Some other reporter, possibly, that was there; in fact I am inclined to think that is so from the manuscript.

Who was the other reporter?—I could not say.

Mr. *M'Laughlin.*—It is quite a common thing.

Witness.—I have attended a number of these meetings, but I could not possibly say as to this one.

The *Attorney-General.*—If you attended a number of these meetings who did you see when you were there—did you ever see Mr. Brennan there?—Yes; I believe I did.

What?—Yes, I did.

Have you any doubt about it now?—No; I should say not. No.

I should say not either. Did you ever see Mr. Davitt there?—(No answer).

Mr. Justice FITZGERALD.—There are two Brennans.

The *Attorney-General.*—I mean Mr. Thomas Brennan. There is only one Mr. Brennan among the traversers. (To witness).—Did you ever see Mr. M. M. O'Sullivan there?—Latterly I have.

I only ask you "ever"?—I did.

Did you see Mr. Parnell there?—No; I don't think I did.

Did you see Mr. Dillon there?—No; I don't think so.

Did you see Mr. T. D. Sullivan there;—I don't think I did. No.

How long were you attending meetings of the Land League—how many have you attended altogether?—Well, I think I attended very few before June.

How many did you attend after that date?—Well, I have not been reporting for any paper since.

Mr. Justice BARRY.—What meetings are these you are talking about?

The *Attorney-General.*—I am talking about the Land League meetings at the office in Abbey-street, my lord.

Mr. Justice BARRY.—Because we didn't hear that before.

The *Attorney-General.*—How many did you attend? How often were you there?—I could not possibly say.

You seem to be very dim?—It is a good while ago since this, and I have given up reporting for the paper since June.

Since June?—Since June.

How long were you reporting for the paper before that?—Ten years, I should say.

For whom are you reporting now?—I am not reporting for anyone.

When you were attending the Land League meetings that you did attend in Abbey-street, what were they doing. Were they passing resolutions, or what were they doing?—I cannot recall any resolutions.

What were they doing, what was going on, or who were talking there? Don't be frightened. Tell us.

Mr. *Walker*—Distributing money to the poor, I suppose.

Witness.—That is a very general question.

The *Attorney-General.*—And that is the very reason I gave it to you?—They were speaking. It was the ordinary business of a meeting. They were receiving money.

Did you ever hear Mr. Egan speak there?—No, I never did; I don't think I did.

Did you ever hear anybody speak there?—Oh, I did, certainly.

Who did you hear speaking—come now, rub up your memory, and don't be afraid of anybody?—I heard Mr. T. P. O'Connor make a speech, and I heard Mr. Kettle making a speech.

What did Mr. Kettle say?—Oh, well, I could not say.

But you seem to recollect that?—Oh, they made speeches—I don't mean made a speech, I mean made speeches from time to time.

Do you remember anything he said?—No, I do not.

Who else did you hear make a speech, or speeches, whichever you like?—I heard Mr. M'Hugh.

Mr. *M'Laughlin.*—The eminent writer.

The *Attorney-General.*—Go on now. Who else did you hear speak there?—I heard Mr. Davitt.

Now when did you hear him speak?—Well, it must have been some time before June.

Just try another. Did you ever hear any other speaker there?—Well, it was not exactly speeches, it was more conversation.

Well, we will call it conversation—who else did you hear open his mouth?—It was a small meeting, and it is more difficult to recollect than if speeches were delivered.

Never mind that. Whoever else did you hear speak, and by speaking I mean open their mouths?—I heard Mr. Boyton.

Oh, really, you heard Mr. Boyton speak?—Yes.

Now, when was that?—I think it was recently. I think so. I didn't know him before.

Do you mean since June?—Yes.

Then you have been attending these meetings since June?—Sometimes.

Although you were not reporting?—I am corresponding for several other papers.

What other papers, may I ask?—For the *Daily News*, *Scotsman*, and a number of Irish papers in Derry and Cork.

Did you take any reports when you did attend?—Yes, I wrote telegraphic accounts of what took place. That was very seldom since I left the *Daily Express*, because I generally got my information elsewhere.

Do you mean to say that you never heard any of the present traversers speak except Mr. Boyton?—No, I did not, I think.

What?—No, I did not.

Did you ever see any of them there at all except him?—Yes, I have seen Mr. Egan and Mr. Brennan there.

You really did?—Yes.

What were they doing?—I never heard them speak.

I thought I heard you say you heard Mr. Brennan speak?—No.

You only saw him there?—Yes.

Can you remember—when did you leave the *Daily Express*?—In June.

What time in June?—Towards the end of June.

Do you recollect did you attend a meeting of the Land League and report for the *Daily Express* shortly before you left?—No, I could not remember that.

Aye?—I cannot remember.

Were you reporting for the *Express* up to the 9th of June, when you wrote that document I showed you?—Yes.

Did you furnish that to the *Daily Express* as a report of what had been going on that day?—Yes, I did.

Was it true?—I must have thought it was, or I would not have given it in.

Did you attend the meeting of the 8th of June?—I think I did not.

Did you attend it?—No.

If you think you did not, who did you get the report from?——

Mr. *M'Laughlin.*—The man said he could not tell.

Witness.—It must have been from some reporter who was present, of course.

The *Attorney-General.*—Were you not present yourself?—I am inclined to think, from the look of that manuscript. I was not on that day.

I thought you told me a minute ago that you thought you were?—No, I did not; and the reason is, if I wrote the account of the meeting in longhand at the meeting, it would be probable there would be erasures in the manuscript.

Did you ever write an account of a meeting after you came away from the meeting?—Certainly.

If you wrote the account of the meeting just after you left it, would there necessarily be erasures in it?—I should say there would. In a condensed report like that I would alter the phraseology of it, and cut it down and so on.

Mr. Justice FITZGERALD.—I think this witness may go.

Mr. ALEXANDER PHILLIPS sworn by Mr. *Goodman*, Clerk of the Crown and examined by the *Attorney-General.*

Mr. Phillips, were you in August last reporting for the *Daily Express*?—Yes, sir.

Did you attend as such reporter the weekly meetings of the National Land League in Abbey-street?—Yes, sir.

Yes, some of them?—I attended a number of them.

The *Attorney-General.*—I now ask Mr. Robinson to produce the transcript for the *Daily Express* of the 11th of August.

(The manuscript was then handed in by Mr. Robinson.)

The *Attorney-General* (to witness).—Look at that—is that your handwriting?—(manuscript handed to witness)—No, this does not seem to be in my handwriting.

Do you know whose handwriting it is—are you sure, look at it carefully?—No, that is not in my handwriting.

Do you know whose it is?—I do not, sir. Is that the meeting of the 11th of August?

That is the meeting of the 10th of August, reported in the *Daily Express* of the 11th?—I did not attend that meeting.

Do you know who did attend that meeting—I am not asking you now about the handwriting?

Mr. *Walker.*—Were you there?

Witness.—I was not.

Mr. *Walker.*—Very well.

The *Attorney-General.*—Do you know anyone who had instructions to go to that meeting?——

Mr. *M'Laughlin.*—That could not be evidence, for the double reason that it is double hearsay. You may go down, Mr. Phillips.

Mr. WILLIAM CORNWALL JOHNSTON sworn, and examined by the *Attorney-General.*

Mr. Johnston, you were a reporter for the *Daily Express* in last August?—I was.

Look at that document (document handed to witness). Is that your handwriting?—No.

Do you know whose handwriting it is?—Yes, I do.

Whose is it?—It is Mr. Bell's handwriting. He was then a member of my staff.

May I ask you, Mr. Johnston, you attended, I presume, some of the Land League meetings yourself?—I attended a few.

What time—in about what month?—I attended some recently—some in the end of last year, and some in the beginning of the year.

On and off through the year?—Yes.

Whom did you see there—did you ever see Mr. Parnell there on any occasion?—I have, in the chair.

Did you see Mr. Dillon on any occasion there?—Recently I have, since these trials commenced.

Have you seen Mr. T. D. Sullivan of the *Nation* there?—I have.

Did you ever see Mr. Biggar there?—I don't recollect having seen him.

Have you seen Mr. Sexton there?—I have, frequently.

I am sure you saw Mr. Michael O'Sullivan?—Oh, yes.

Have you seen Mr. Thomas Brennan there?—Yes.

Where is Mr. Bell that you spoke of this moment?—He is now in London.

In London, and when did he leave—about when?—He left the *Express* either about five or six weeks ago.

Well, now, have you seen Mr. Egan there, the treasurer?—Yes.

And did you ever see Mr. Harris, of Ballinasloe, there?—Yes. recently.

Have you ever seen Mr. Sheridan there?—No; I do not recollect him at all.

You don't remember him?—No.

Did you ever see Mr. Walsh, of Balla, there?—I don't know Mr. Walsh's appearance.

You don't know him?—No.

I think you said you did not remember seeing Mr. Biggar there?—I have no recollection of seeing him there.

Witness was not cross-examined.

JAMES LINTON examined by Sergeant *Heron.*

Linton, did you attend a Land League meeting at Riversville, in the county Galway, on Sunday, the 19th December, 1880?—Yes.

Was sub-constable Patrick Hughes there with you?—Yes.

Now, where was the meeting held—in what sort of place?—It was held in a meadow.

Do you remember Mr. Harris and Mr. Sullivan, two of the traversers, being there?—Yes.

How did they come to the meeting?—They came in a wagonette.

Was it Sullivan or O'Sullivan?—Sullivan is the name I heard him called by up to that.

They came in a wagonette. How was the wagonette drawn to the field?—It was drawn by two horses.

How was it got into the field?—I cannot correctly say. The crowd got betwixt me and the wagonette, and when I came up to the wagonette it was inside the wall.

Mr. Justice FITZGERALD.—Which did you allege it was—Sullivan or O'Sullivan—was at this meeting?

Sergeant *Heron.*—First of all, did you know Mr. Harris before?—Yes.

What is his Christian name?—Matthew.

Where did you know him to be living?—In Ballinasloe.

Were you stationed at Ballinasloe?—No.

Did you know him there?—Yes.

Mr. Justice FITZGERALD.—It is plain, so far as Mr. Harris is concerned. Unless you specify what it is, we will only get into error.

Sergeant *Heron.*—It is Mr. O'Sullivan. (To witness)—Did you know Mr. O'Sullivan before that day—did you hear him called O'Sullivan?——I heard him called O'Sullivan now.

Do you know him now?—Yes.

And was he the gentleman who was there?—Yes.

Now, do you know any man named Murty Hynes?—I do.

On the day of the meeting, who was in occupation of the field in which the meeting was held?—I do not know that, except from hearsay.

Never mind, then. Who had been in occupation?—Martin Bermingham.

Now, what was the conduct of the meeting on that day?—When I went up to the field, the greater part of the crowd were on the road, and appeared to hesitate about going into the field. The wagonette was at this time in the field, with some few people. All of a rush the crowd went over the wall, and the wall crumbled under their feet, and as the wall fell, the people would raise a shout, as if they were delighted with what had happened.

About how much of the wall fell?—I dare say over one hundred yards.

Was there hay in the field?—Yes; this was a meadow.

Before the people went into the field how was the hay made up?—In small cocks.

What then happened to the hay?—The wagonette went round the field, and a number of the people lifted the hay in their hands and threw it about.

Did you notice any of the banners?—I observed one banner upon which was "Kileenadeema to the front to crush the tyrants." There was also inscriptions of "The Land for the People," "God save Ireland," and there was a representation of a harp and a wreath of shamrocks, and there were two standards and a banner with representations of pike-heads on each standard.

Did you see the same banner at any other meeting?—Yes; I have seen it at several meetings.

That is, this banner you described?—Yes.

Where did you ever see it?—At Kiltullagh.

On the 22nd August?—Yes; and on the 26th September at Kileenadeema, and I have seen it since at Leitrim.

Did you take down a placard that was at that meeting?—Not at the meeting.

Where, then?—I took it down in the town of Loughrea, where I am stationed. There were a number of placards, and I took them all down.

Mr. *O'Brien.*—Oh, never mind.

Sergeant *Heron.*—Have you got one of them here?

Mr. *M'Laughlin.*—We object, my lord.

Sergeant *Heron.*—I propose, my lord, to read it. First of all, I'll ask you another question. (To witness)—This man, Murty Hynes; were you present at any auction where he bought?—No.

Very well; was Murty Hynes there that day?—Not that I saw.

Were you present when possession was taken from Bermingham?—No.

Where did you see these placards?—In Loughrea town, on the walls.

How long before the meeting?—A week.

On that day week?—Yes.

Did you see any placards on the road to the meeting?—No.

Sergeant *Heron.*—I propose, my lords, to read the placard calling the meeting.

Mr. *Walker.*—I object.

Mr. *M'Laughlin.*—I object to this on the previous ruling in the Upper Dominick-street case.

Sergeant *Heron.*—I'll ask your lordships in reference to the evidence already given of the proposal about Murty Hynes at the meeting by two of the traversers, Mr. O'Sullivan and Mr. Harris, I'll ask your lordships to look at the placard, and see is it not directly connected with the transaction; you have a right to look at it.

Mr. Justice FITZGERALD.—For all I know Loughrea may be situated one hundred miles from the place where this meeting was held.

Sergeant *Heron* (to witness).—How far is it from the place?—Riversville is about five miles from it.

Mr. Justice FITZGERALD.—The town of Riversville is about five miles from Loughrea?

Witness.—Yes, my lord: it is the nearest place to it. It is a good-sized village. There is no village between Loughrea and it.

Mr. Justice FITZGERALD.—At present we think you are not entitled to read it.

Sergeant *Heron* (to witness).—I'll ask you one more question. Before you tore down the placards did you see anyone reading them?—Yes, a number of persons.

Mr. Justice FITZGERALD.—Of course, that we take judicial notice of.

Sergeant *Heron.*—I'll ask you, my lords, before you make a ruling, to look at the placards yourselves.

Mr. Justice FITZGERALD.—We assume this thing is in some way connected with the intended meeting; at present we cannot say it is evidence against the accused.

Mr. *M'Laughlin.*—It would not be intrinsic evidence; it would be begging the question you put.

Mr. Justice FITZGERALD.—Have you any report of the meeting in evidence?

Sergeant *Heron.*—We have given a full report of the speeches of Mr. Harris and Mr. O'Sullivan.

Mr. JUSTICE FITZGERALD.—And what more do you want. Do you think you will be aided by a placard posted five miles off?

Sergeant *Heron.*—Very well.

Mr. *Walker*: (to *Witness*) You may go down.

PATRICK HUGHES sworn and examined by Sergeant *Heron.*

Were you present at the Land League meeting at Riversville on Sunday, the 19th September?—I was.

Now, did you know the place before?—I did.

Were you there on the 26th August, previous to the meeting, when the sheriff took possession?—On the 23rd August I was there.

It was on the 23rd August then. Were you present?—I was.

Who had been in possession before?—Martin Birmingham.

Very well. Were you present at the auction which was held there when the standing meadow was put up for sale?—I was.

On what date was that?—It was on the 6th September.

To whom was it knocked down?—To Murty Hynes and his father.

Now, what did you see happen to the hay on that day—on Sunday, the 19th September?—I saw the hay being trampled by the crowd, and tossed about and shook, and tossed with their hands.

Witness was not cross-examined.

Mr. ARTHUR ANDREWS examined by Sergeant *Heron*.

Are you in Mr. Dollard's?—I am.

What position do you hold there?—I am manager.

Have you been subpœnaed to attend?—No; Mr. Dollard has been.

Mr. Dollard has been subpœnaed, and you, as his manager, attend with the documents?—Yes.

In obedience to the subpœna of the Court?—Yes.

Have you got your books here with the orders?—I have not.

Have you got a copy of them?—No.

Will you take these documents, and tell us what and how many were printed at your establishment—(documents handed to witness)—as well as you can, by dates, going to the earliest first.

Mr. *M'Laughlin*.—Of course we assume that you know these matters of your own knowledge?

Witness.—Certainly.

Sergeant *Heron*.—State the work you did for the Land League in your office?—Well, I have not a list of it.

The *Attorney-General*.—Well, state the names of what you have there.

Sergeant *Heron*.—This document is headed notepaper; who gave you that order?

Mr. Justice FITZGERALD.—Is it for note paper?

Mr. *M'Laughlin*.—Did you get the order yourself personally?—No.

Mr. *M'Laughlin*.—Well don't say anything about it.

Sergeant *Heron*.—But the work was done for the Land League in the course of business: did you send that, and were you paid for it?—We were paid for it.

Mr. Justice FITZGERALD.—What do you want to prove the payment for note paper for?

Sergeant *Heron*.—Who paid you?—We were paid by cheque.

Who gave you the cheque?—I could not say.

Mr. Justice FITZGERALD.—Was this for note paper?

Witness.—Yes.

Sergeant *Heron*.—Where did you send the bill?—To the office of the Land League.

And you were paid. Did you print these cards also?

Mr. Justice BARRY.—Also! He has not said anything about it. He is talking about note paper, and yet you ask him was the work done.

Sergeant *Heron* (to witness)—Did you supply the note paper?—Yes.

What mark is on the note paper?—It is not for a branch, but it is for the head office.

I know it is. What is on the head of the note paper?—"Irish National Land League."

How many reams did you supply?—On that occasion we supplied two reams—1,000 sheets.

Mr. Justice FITZGERALD.—There is no doubt about the existence of this body, and of course this office had an enormous correspondence, and note paper for the purpose.

Sergeant *Heron*.—Did you print these cards—(handing cards to witness) for the Land League?—Yes.

How many did you print of them?—We printed 20,000 on one occasion—on the first occasion.

What is the date?—I do not know the date.

And how many afterwards?—I do not know; 20,000 were ordered on the second occasion; we only delivered 18,800.

Sergeant *Heron*.—Hand them in to be marked (documents handed in). And did you send the account to the Land League, and were you paid for all this work?—We were paid two accounts.

Mr. Justice FITZGERALD.—By the Land League?

Witness.—Yes.

Sergeant *Heron*.—That is the note-paper; leave that aside?—Yes.

Now what is the next document you have that you printed?—The next is envelopes.

That is a specimen?—Yes.

You may put that down; we don't want that. What next did you print?—This is the card I have already referred to—this is the circular.

Show me the circular—how many of these?—I think it states it—I think it is five hundred.

Five hundred?—Yes.

Did you also print these cards by direction of the office in Abbey-street?—No.

Where did you get these?—These were ordered for the country.

Who paid you?—I cannot say—it might be that it has not been paid off yet.

Mr. Justice FITZGERALD (to witness).—You may go down.

Mr. *M'Laughlin* (to witness).—Did you do the printing for them in connexion with the distribution of the £40,000 or £50,000 they sent through the country?—I think not.

Who did that do you know?—I do not know.

Did you print relief cheques or anything of that sort?—We printed cheques for the Relief Fund—there were two kinds of cheques.

Have you any of them here?—Yes.

I suppose you brought these documents with you to Court to-day. Have you them here amongst the bundle? Yes; there is a specimen of them.

Kindly let me see it?—I gave some of them to Mr. Kelly, who called for them.

Who is he?—A gentleman in the Crown Office.

When?—About a week or a fortnight ago. We gave him documents on two or three different occasions.

You had nothing to conceal?—No.

And you kept nothing back?—No; this is different, it is a cheque for the Relief Fund.

The *Attorney-General*.—There were other cheques besides?

Witness—Yes, of course.

Mr. *M'Laughlin*.—Now, this cheque for the Relief Fund—I see "Relief Fund" goes in under "Irish National Land League."

How many of these did you print?—On that occasion we did 300.

You see some books or counterfoil on the other side?—Yes, that is the receipt.

How many did you print first and last?—I could not say; we did them on two or three occasions; this seems to be the last of them. I am sure they got about 1,300 of them.

Books, do you mean?—No, cheques.

Would you be surprised to find that they got 20,000 or 30,000 of these?—Yes.

Have you your books there?—No.

Why?—I was told I might not bring them.

Who told you that?—The gentleman who called, Mr. Kelly.

Oh; he is an extraordinary lawyer: the gentleman in the Crown office?—Yes.

He said you should not bring them?—No; he did not say that, he said I might not bring them.

Of course you gave them all the information they asked you for?—Yes.

With the most refreshing innocence?—Yes.

Did you print any relief circulars?—I do not know.

Have you them here?—No; I have not one here.

Cross-examined by Mr. *Adams.*

Did you know what Mr. Kelly wanted these documents for when he asked you for them?—Yes.

Did you know they were to be produced against the people who employed you?—Yes.

Was there a subpœna to bring them?—Yes.

But did not you give them a fortnight before the trial to Mr. Kelly?—No, I did not give them until after the trial commenced.

Did you give them to him before to-day?—I gave some of them to-day, and others probably a week ago.

Mr. Justice FITZGERALD.—As I understand you, there was no secrecy or privacy in doing this?—Certainly not.

It was in the ordinary course of trade, like any order in the course of trade coming into you?—Yes.

And you supplied the order?—Yes.

And there was no breach of confidence in your saying who it was that ordered these things?—I did not understand so at all.

Mr. *Walker.*—Will your lordship allow me to ask a question of the witness? He need not come upon the table. (To witness)—You say you gave the documents to Mr. Kelly?—Yes.

And he gave them back to you again?—No, I have not got them back, but I will get them back to-morrow.

He gave you none back?—He gave me none back.

Very well.

Sergeant *Heron.*—Here is the Phœnix Park placard—did you print that?—Yes.

Get up on the table. (Witness remounts the table.) Did your firm print these placards for the Phœnix Park meeting?—I don't know what meeting it was for, we printed them.

Can you give the date when you printed them?—The 11th March.

1880?—1880.

Very well. By whose order were they printed?—The order was received by a man in our printing office.

And did you supply them to the office of the Land League?—I am not sure.

Mr. Justice FITZGERALD.—Are these the same as we have had already?

The *Attorney-General.*—It is the same.

Sergeant *Heron.*—It is slightly different. (Counsel reads)—

"Land and labour,—Irishmen, attend the meeting to be held in the Phœnix Park, Sunday, 14th March, and protest against the system which robs the tiller of the soil of the fruits of his labour. Workers of Dublin, your poverty is the result of the system which endeavours to degrade labour and elevate idleness. Join your brothers in one grand movement for the industrial emancipation of the workers of Ireland. The trades of Dublin will march in procession from Beresford-place to the Park. Chair to be taken at one o'clock. Several distinguished advocates of the rights of labour will address the meeting.

"Land and liberty! God save Ireland!"

DENIS BARRETT sworn, and examined by Mr. *Porter.*

Are you a sub-constable of the Royal Irish Constabulary?—Yes.

Are you able to report?—Yes.

Do you report in shorthand or longhand?—Yes.

Mr. *M'Laughlin.*—In both at the same time?—I report in both longhand and shorthand.

Mr. *Porter.*—Did you attend the meeting at Lackagh on Sunday, the 1st August, 1880?—Yes.

I wish you to read two or three extracts from that meeting. Have you your original note here?—I have.

And you have compared it with the printed copy there?—I have.

And does it correspond?—It does.

Who was the chairman of that meeting?—Mr. M. Quinn, of Cloonacurrow.

Are you sure of that?—Yes, sir.

Was there a Mr. Michael Burke who spoke there—turn to page 4?—Yes.

Mr. Justice FITZGERALD.—Who was the chairman?—Mr. Michael Quinn.

Mr. *Porter.*—There is something wrong in the printed cover, but it is right in his note. (To witness)—Will you read me your note of the speech of Mr. Michael Burke?—(*Witness* reads)—"Mr. chairman and fellow-countrymen, I have the honour of coming forward to second the resolution which you have heard read. The land system of this country requires a thorough change. Destroy them if you are able, if you are not we must send again to America for the Fenians (cheers). The land of Ireland should belong to the people of Ireland, and not to a few landlords; you must organize, for without organization you can do nothing; join the National Land League, and let there be no one found to take a farm from which another may be evicted. We must continue to agitate from those platforms until we get our rights, the rights we want is the land for the people (cheers). Well, my friends, Lord Oranmore and Brown wants us to emigrate to Australia and America, and leave the land for his cattle and sheep to graze on (groans)." That is all I have got.

Mr. P. J. Sheridan, one of the traversers, made a speech at that meeting. Turn to page 5, and just read what you have?—(*Witness* reads)—"Mr. chairman and fellow-countrymen, I feel proud at seeing you assembled here to-day in your thousands, we must assert our rights, and

if we do not get them through our members of Parliament, I would ask you then to ring out your voices through the muzzles of 'Minie' rifles as well as from those platforms. We have America at our back, and she is watching over us, and helping us in the hours of our distress (a voice —'Cheers for America'). There are evictions in all parts of Ireland; the landlords are fighting against us with a strong hand. Organize yourselves then, join the National Land League, and by this means you will see your country what she once was—a free and prosperous country (cheers)."

At that meeting were you on the platform?—No.

Why not?—I was refused admission.

And where did you take your report?—On the ground.

Cross-examined by Mr. *Walker.*

Did you take any other speeches but those you have given us?—I did.

Now, was Mr. Burke's a long speech?—It was pretty long.

I suppose it would cover about ten times more than you have given us?—I expect it would.

Was it taken in shorthand?—Yes.

To Mr. Sheridan's, I suppose, the same observation would apply?—I think Mr. Sheridan spoke longer.

That was about twenty times more than you have given us?—No; about twelve or fifteen times more.

I apprehend you are not an experienced shorthand writer?—No; I am not.

Was that your first attempt?—No.

You are able to give about one-tenth of what the speaker would say?—About it.

Mr. *Porter.*—You did not report the whole of it?—No; I did not.

But you have no doubt you heard what you have stated?—Yes; certainly.

Mr. Justice FITZGERALD.—Is what you have put down your own conception or summary of what took place?—No, your lordship.

Listen to me. Or do you profess to give the words, so far as you have given, as they were given by the speaker?—Yes.

Cross-examined by Mr. *Curran.*

About how long did that meeting last?—About two hours and a half.

Will you let me see your book of report. (Note-book handed to counsel.) There are seven pages; some of them are very short?—Some of them spoke nothing, except to second the resolution.

But that would take no time, and the meeting lasted two hours and a half?—All I have given, I have given it.

There is no doubt about that. Here's another of the seven pages. (Unfolds pages one by one.) Mr. Quinn, you say, was in the chair?—Yes.

Did Mr. Gayer make a speech there?—Yes.

Did he say this?—(counsel reads)—"This Bill which Mr. Gladstone has brought in, in order to afford some small relief to the suffering tenant-farmers of Ireland, will go to-morrow among a bad lot—the House of Lords, the hereditary fools of the country. Let them reject it if they dare. The people of Ireland are determined to be no longer trampled upon by those who have no merit but their birth (cheers). Mr. Gladstone was taunted by some Orange scoundrels, both in the

Lords and Commons, with bringing on this bill. Mr. Gladstone's reply was, 'There is yet justice in these land meetings.'"—Yes.

That was what Mr. Gladstone said?—Yes.

Did he use these words, or words like them?—Yes.

Mr. *Porter*.—That is Mr. Gayer's speech on what Mr. Gladstone said?—That is Mr. Gayer's speech.

Mr. *Curran*.—That is what Mr. Gladstone said—"There is yet justice in these land meetings." I believe Mr. Michael Merrick, farmer, made a speech there?—I believe so.

The *Attorney-General*.—Give him the report if you want to ask him about it.

Mr. Justice FITZGERALD.—Do you wish Mr. Merrick's speech read?

Mr. *Curran*.—I want a few passages from it read (to witness) read from line 25 to 30. Down to the word "struck"—you may read the entire speech.—(*Witness* reads)—"Fellow countrymen, I feel it my duty to explain to you some facts. I am one of those who have been capriciously evicted. I had a farm near Riverstown, and Christmas Eve I went into the town to get some things. In my absence the sheriff and his bailiffs came and put my dear wife and children out on the road side, with no covering but the canopy of heaven, and we might have remained there yet, but I took the advice of the Land League, and would not give up the land without a struggle. I went and built a hut upon the land, and I am there still. There was a man took my land, but I will not speak of him. (Voices, 'name, name.') Well then his name is White, but I say he is black. I had to fight for to remain on my land. I had no weapons but the pitchfork and scythe, and in every engagement I had my wife by my side. I have to return thanks to the Geevagh Land League, for only for them I would starve by the side of the road. I was paying £16 0*s*. 10*d*. for my land, and it was valued at £10. (Oh! oh!")

That will do.

Mr. *Porter*.—Now just finish it?—(*Witness* reads)—"I will now conclude by asking you all to join the Land League, and may God bless you all (cheers)."

Mr. *O'Brien*.—I want to ask you just one question—you say that Mr. Gayer spoke there?—Yes.

Did he speak this?

The *Attorney-General*.—You may ask him from his report if you like.

Mr. Justice FITZGERALD.—Tell him the line.

Mr. *O'Brien*.—Read Mr. Gayer's speech from line 35 to line 40, page 3 of the print—"You have the Prime Minister of England"?—(*Witness* reads)—"You have the Prime Minister of England, the greatest statesman of his day, not only admitting but asserting that you have been persecuted, that you have been cruelly treated, that it is necessary to alleviate the unexampled misery of your position, that you must be no longer the serfs of those who have no feeling for you, and cares not what becomes of your wives and children (groans for them)."

One question more. You were asked about Mr. Burke's speech, and in reply to Mr. Walker you said you were able to take about one-tenth of what was spoken—you said that, don't you remember?—Yes.

Now, in reply to his lordship, you said that that particular speech which you gave, you took down literally, word for word,—don't you remember that?—I do.

You were sent there to report, weren't you. Now, how can you say you took down word for word literally, the portion you have given, when you are only able to report one-tenth of his speech?—I will tell

you. The way I did was when I would get a sentence, I would not follow the sentence, I would take the sentence and not follow the speaker, until I would catch him up again.

Oh, you allowed him to run away. You let off the speaker, and then you put spurs to your horse to catch him up again?—I said no such thing. I said I would finish the sentence first.

Mr. *Sullivan*—And while you were writing that sentence you made no effort to catch the one he was saying?—No, sir.

And you let that go to the winds?—Yes.

And suppose he said that that was uttered by a famous politician who is now a Government official you would let that drop?—Yes.

And for all you can tell the jury that sentence might have been followed by a sentence ascribing that utterance to one of her Majesty's officials?—It might be.

You said you took a sentence here and there?—That was all.

Did you attend a meeting at Knocknagree in the county Cork?—I did.

On Sunday, the 15th August, 1880—Yes.

Did Mr. M. O'Sullivan, one of the traversers, make a speech there?—He did.

Have you a report of Mr. O'Sullivan's speech there?—I have.

Turn to page 3 of the report, begin at line 17, where you see the words "French peasantry"?—(*Witness* reads)—"The French peasantry offered their feudal landlords a fair compensation for the land; they did not accept it, and then the peasantry of France gave them the compensation they so richly deserved, a rope's length at every road-crossing (cheers)."

Stop there a moment, and pass further on—go on to line 36 "On the plains of Mayo"?—(*Witness* reads)—"On the plains of Mayo a year and a half ago this agitation first commenced. I am proud to say that I have had something to do with the commencement of it, and I told the people to meet together and propose a fair rent to their landlords, and if they did not accept that, to give them none at all. They took my advice, and what is the consequence? The saving of four millions of money to the peasantry of the West of Ireland. If you act similarly, the landlords will be very glad to come to terms with you. The Land League will let you starve if you give up the rent this year. Hold the harvest, keep it, keep it, keep it. Let there be no individual bloodshed, but if the landlords bring the police and sheriff to shoot you down, do you then defend yourselves to the last (cheers). Let there be no rent paid pending a settlement of the land question."

Very well. Now, turn to page 6, to Mr. P. F. Johnstone's speech, at the top of the page?—(*Witness* reads)—"I did not come here to-day to make speeches, but I came to meet the landlords face to face, but I find they are not here; but I hope they are not going to make a fool of me, for sooner than see them make a fool of me I would call upon the people to turn out and burn down the crops, and if I did call upon them to do so I would not be afraid to light the match myself (cheers)."

That will do.

Mr. *Walker*.—Have you got the chairman's speech—who was he?—Father O'Leary.

Is it long?—No.

Take it from the beginning and read it?—(*Witness* reads)—"Fellow countrymen, I feel proud of the honour and also the importance of taking the chair here to-day, and I thank you also for the kind way in which you have received me. We are here to injure no one. We do

not want to take anything that belongs to another, but we are prepared to demand what belongs to ourselves. Where is the man, or can you call him a man, who sees the means of sustenance taken from him, and not raise his voice or hand against it. To be sure it is possible to deprive the poor mules or asses of their food, but we are not mules or asses, we will not stand it any longer (cheers). We have been called robbers by some people, and I say it is a bad sign of our enemies to belie us. It is very hard to be so described to our faces, but we will stand it no longer. We are told that if we minded ourselves we could live happy; well, we have no objection to swop with those who tell us so. We are not here to create any revolution, we are here within the law, and though I do not like to be boasting I say that a poor priest has more power to keep the law than 10,000 policemen. As long as the priests live they will stand by the people (cheers).' The chairman here read a letter from Archbishop Croke, of Clonmel, after which he retired amid cheers."

Mr. *Adams.*—Turn to Mr. M. O'Sullivan's speech, please?—Yes.

Commence at the top of the page and read on, "He said"?—(*Witness* reads)—"Reverend Chairman, ladies and gentlemen, it affords me great pleasure indeed to stand upon this platform, erected, I may say, on the ruins ———." (The platform at this point gave way, hurling its occupants to the ground. After about three quarters of an hour's delay, a platform was erected at the western end of the village on some old barrels). Mr. O'Sullivan, in continuing his speech, said:—

Go down to line 20, "When the platform fell a while ago"?—(*Witness* reads)—"When the platform fell a while ago, every one ran to ask if we were hurt. I am thankful to say that nobody was seriously hurt, but even if any one had been hurt, it was in a good cause (cheers), and thousands of our countrymen are willing to suffer far more for the cause (cheers). If a man wants a farm in Prussia, he has only to go to the nearest Government office, which are as numerous there as police barracks are in Ireland; he looks over the list of farms that are to be sold, and picks out the one that suits him, paying down one-twentieth of the purchase money; he then gets a bill of exchange, which he gets cashed at the next agent's office, and the land becomes his property on the payment of the nineteen other instalments."

That will do. You took a note of this speech in shorthand, or some of it?—Yes.

And you say you could only take one sentence in ten of a rapid speaker?—Yes.

You appear to have written out that as if it was one single speech. You did not mark where you lost sentences?—No, I did not.

Would it not have been better to have marked where sentences were left out?—I thought it would read better this way. It would look ridiculous to see it broken up.

You wrote that out, as every one could see, without any help from the newspaper?—Well, I'll tell you the truth, I did not copy anything from the newspaper, but I got the newspaper to help me to make out my notes. I am not what you call a professional shorthand writer.

You do not vocalize it by the newspaper?—No.

I suppose if it was by a newspaper you would have it as fully as Constable O'Rorke, or the other great reporters?—O'Rorke is a good shorthand writer.

May I see your note book, if you please (note-book handed to counsel). That shows, of course, on the face of the notes where you dropped out and could not finish a sentence, and so on?—Yes.

And it is not beautifully written like Acting-constable O'Rorke's from line to line. That will do.

Mr. *Porter*.—He has not had the experience of Mr. O'Rorke.

Witness.—No, I have not.

Mr. *Adams*.—Swearing experience?

Mr. *Porter* (to witness).—Did you attend a meeting in the county Leitrim, on the 19th September, 1880?—Yes, at Proughlish.

I wanted you to pronounce it first—Proughlish, 19th September, 1880. You attended there to report?—Yes.

Was Mr. Walsh, one of the traversers, there?—Yes.

And did he make a speech?—He did.

Who was the chairman at the meeting?—Mr. Thomas Beirne.

Turn to page 4 of your report and see is that where the speech of Mr. J. W. Walsh is given?—Yes.

Just begin and read it?—(*Witness* reads)—"Mr. Chairman and fellow-countrymen, I have been deputed by the Land League to come here to-day to protest against the eviction of fifty poor families. It was the fashion of the Government in disturbed times to proclaim certain districts; but the time is come when it is in the power of the people to proclaim certain townlands. In the name of humanity, let there be no man found to take those lands. If you leave those lands to waste and rot, Mrs. O'Reilly, and those like her, will then see that it was better for them to let the people live."

Very well, you may go further down, to line 35—"I will now ask"?—(*Witness* reads)—"I will now ask those people who are about to be evicted not to leave your houses until you are dragged from them. Hold your harvests. If you cannot afford to pay your rent and does so, and leave your family to starve, then I say to you that you are guilty in the eyes of God and man of wilful murder (cheers)."

Mr. *M'Laughlin*.—Was that meeting reported on the same principle that you reported the others on—one sentence in twelve, and no break?—Yes.

Did I understand you to say to Mr. Justice Fitzgerald that the words you gave were the very words used by the speaker?—Yes.

You are quite sure of that?—Yes.

Have you line 30, beginning at 29—"Look at the state of Ireland now, and what it was?"—Yes.

Just read that?—(*Witness* reads)—"Look at the state of Ireland now, and what it was. If she was a prosperous country, instead of having only 5,000,000 to-day, you should have 20,000,000. Addison tells us that Ireland is capable of feeding 40,000,000 of people. In conclusion, I ask you to join the Land League. If the Government don't step in and settle the land question, the people of Ireland will get no concession from their landlords."

Wait for a moment. That was what Addison said. Who was Addison?—I could not tell you.

Mr. *Porter*.—Mr. Walsh quotes him at the meeting?—Yes.—(*Witness* reads)—"I will now ask the people"——

Mr. *M'Laughlin*.—You read that before.

Mr. *Porter*.—That will do.

THOMAS MATHEWS sworn and examined.

Mr. *Murphy*.—Did you attend a meeting at Kilendoma, county Galway, on Sunday, 26th September?—I did.

Did you report some of the speeches delivered at that meeting?—I did.

Did you report them in shorthand?—Yes.

Mr. *J. A. Curran.*—That meeting is not scheduled.

Mr. *Murphy.*—Very well. Go to the meeting held at Boholo, county Mayo, on Sunday, 4th July. Did you attend that meeting?—I did.

Did you report the speeches made there by Mr. Nally?—I did

In shorthand?—Yes.

Read the report of the speech that Mr. Nally made at that meeting?—(*Witness* reads)—"Fellow-countrymen, it is now eighteen months ago since I proposed this resolution that I hold in my hand, but where is the use in coming forward and proposing resolutions when at this moment there are in your midst sharks ready to grabble up the land from which another tenant may be evicted. I am a thorough nationalist. I say you must organize and establish a branch of the Land League. There has been more good done since this day week—Ferrick has been shot in Ballinrobe (cheers). You all can have rifles now, and any of you who are not able to buy a rifle (cheers) or gun, have the pitchfork in your hand. But you must pay ten shillings for a license if you want to shoot the vermin. (Here the speaker, pointing his finger towards the crowd, said),—You all know the vermin I mean what is nibbling at your hearts (laughter). I believe the words of the Act means crows, magpies, and jackdaws; and I believe them include vermin. You can do anything you like after, with a *cead millie failthe*, but I am not telling you to do it. You know pills are not bad, I mean for to help the indigestion, you will know them better by Scrab's pills (laughter). (I believe this word Scrab alludes to himself, for he goes by the nickname of Scrab throughout the county Mayo). Speaker—I will now read the resolution for you:—'Third resolution—That we pledge ourselves to our country and to one another that we will do all in our power to persuade persons from taking in future or holding a farm from which persons have been evicted, having been obliged to leave through excessive rents.' I will now read from the *New York Times* to you; it is headed 'A Talk with Emigrants,' and, perhaps, there might be some one here from Foxford that will be able to tell us whether it is true or not. I will not read it all for you, it would keep you too long. A man from Foxford, in the county Mayo, spoke enthusiastically of what America had done to alleviate the awful distress of the poor. He said the priests were using the relief money to make themselves rich (a voice—'It is true enough'). The reporter asked him if he were a Catholic, and he replied that he was, but he had no patience when he saw how Father Mike O'Donnell was acting. When he came amongst us first we all had to subscribe to buy him a horse. And after a few days before I left home he bought forty bullocks and put them on a farm that he purchased for little or nothing from the agent who had rackrented a poor family that lived on it until they could not pay any more (groans). He stored the potatoes in the chapel, and during the night gave them away to his own personal friends. And when the Protestant minister, Mr. Jackson, went to him and asked why he had desecrated the House of God by making it a storehouse, he got no satisfaction."

That is all that I ask you to read.

Cross-examined by Mr. *Curran.*

I believe Mr. Nally's observations appeared to be rather incoherent that day?—No, not to me.

Where were you standing?—I was standing by his side.

What did I mean by incoherent?—That I did not hear him.

Well, I will put it you in another form. Did not his observations appear rather mixed?—Yes.

He commenced with fellow-countrymen and ended with the parson?—Yes, I believe so.

Did you ever hear talk of his mixing his liquor?—No.

Did he take it neat?—I don't know how he took it; he took it at all events.

Did you ever drink with him?—I did.

If you drank with him, why do you say you don't know how he took his liquor?—He drank it.

Had you taken drink with him before this meeting?—No; not that day. I had not taken any liquor that day.

When did you take drink with him?—The evening before.

You had taken drink with him the evening before?—Yes.

Where had you taken drink with him the evening before?—In Claremorris.

Did you take any drink with him after the meeting?—I believe I might have taken some after I came back. There was none there.

That was the reason you did not take it?—It might have been the reason.

Did you see Mr. Sheridan there?—No; I don't remember seeing Mr. Sheridan there.

On your oath were you aware that Mr. Sheridan refused to go on the platform?—Which Mr. Sheridan do you mean?

Which do you think?—I don't know.

We are only speaking of the one Mr. Sheridan, the traverser?—I don't remember seeing him that day.

Did you hear any row going on about a man refusing to go on the platform?—No.

Who seconded the resolution of Mr. Nally?—Mr. Joseph Walsh.

Show me that? (asking for the printed copy in witness's hand.)

Witness—Shall I give him this?

Mr. *Murphy.*—You may.

Mr. *Curran.*—On your oath did Mr. Walsh use the expression you attribute to him there?—He did.

The *Attorney-General.*—Let us hear first what the expression is.

Mr. *Curran.*—What did Mr. Joseph Walsh say?—"I beg to second the resolution."

Is that what you have on your notes?—Yes.

On your oath, sir, did not the chairman at that meeting protest against Mr. Nally's language?—Not in my remembrance.

Do you swear that he did not?—Not that I heard.

Where were you?—On the platform.

Near Mr. Nally?—Beside Mr. Nally.

You have stated that you were drinking with Mr. Nally after this meeting?—Well, I don't remember.

Did you not swear you were?—I said, I may have been.

Where were you drinking with him the day before?—In Claremorris.

Had you been at many meetings with him?—I had.

On your oath, was not Mr. Nally under the influence of drink on the occasion of that meeting?—He might have taken some drink; I would not say that he was drunk.

I do not say he was drunk, but there is a difference between a man being drunk and under the influence?—He was not drunk.

Where did you take drink with him that day?—In Claremorris.

Who is it that seconded the resolution?—Mr. Joseph Walsh was his name. I don't know him.

If it appeared in the public Press next day that no one seconded that resolution of Mr. Nally's, would you undertake to contradict it?—I might not.

The *Attorney-General.*—There is no such evidence that the resolution was not seconded. I don't know that this is fair on cross-examination.

Mr. *Curran.*—He says he would not undertake to contradict it if it appeared in the public papers the next day that the resolution was not seconded. (To witness)—Who do you say was the chairman at that meeting?—Mr. P. White.

Do you know him?—No.

That Mr. Joseph Walsh that you spoke of is not the gentleman that is charged here?—No.

Will you undertake to swear that the chairman at that meeting did not protest in the strongest manner against this resolution of Mr. Nally's which the papers stated was not seconded?—I did not hear him.

Cross-examined by Mr. *A. M. Sullivan.*

Did you happen to watch the chairman at the time Mr. Nally came forward to speak?—I did not.

Then he might have done something for all you saw?—He might.

Did the chairman, after each resolution was proposed and seconded, come forward and put it to the meeting?—Certainly.

Did he say—"As many as are in favour that this resolution should pass will say ay, contrary no"?—Yes.

Do you swear that the chairman came forward and put Mr. Nally's resolution to the meeting in that way?—I don't remember that.

Mr. *Murphy.*—Turn to page 4, to where Mr. Walsh, of Balla, spoke at that meeting. Look at line 16, where you take up the speaker after some interruption, commencing with the words—"The landlords of this country"?—(*Witness* reads)—"The landlords of this country have been the curse of it, but I hope that before long the people of Ireland will be the owners of the land they till, and not have us sending out the begging box before the world. Now, I want every one of you to join the National Land League, and by doing that you have only to pay one shilling to get your name enrolled, and when you do that, get a ticket and wear it in your hats to the fairs and markets. Mr. Nally then came to the front of the platform, and said:—There has been more good done since this day week than all the speeching—the pills. (A voice—'Three cheers for Rory of the Hills'—cheers.')"

I will now ask you to look at line 7 in the report of Mr. Nally's speech?

Mr. *Curran.*—He has already read it.

Mr. *Murphy.*—I will ask your lordships to have it read. I do not know whether it was heard.

Mr. Justice FITZGERALD.—If I have not heard it I have seen it, as the document is before me.

Mr. *Murphy.*—The witness did not read it according to the printed copy that I have.

Mr. Justice FITZGERALD.—If you think it necessary he can read it again.

Mr. *Murphy.*—Commence there, "I say you must organize"?—(*Witness* reads)—"I say you must organize and establish a branch of the Land League. There has been more good done since this day

week. Ferrick has been shot in Ballinrobe (cheers). You all can have rifles now, and any of you who are not able to buy a rifle—(cheers)—or gun have the pitchfork in your hand. But you must pay 10*s.* for a licence if you want to shoot the vermin. (Here the speaker, pointing his finger towards the crowd, said)—You all know the vermin I mean; what is nibbling at your hearts (laughter). I believe the words of the Act means crows, magpies, and jackdaws. I believe them include vermin. You can do anything you like after with a *cead millie failthe*; but I am not telling you to do it."

Mr. *Curran.*—When did you put in the word "Ferrick" for "landlord"?—About a week ago.

What was the word you had first in your report?—"landlord."

Why did you put in "Ferrick"?—Because I found it in my notes.

Did you copy this first statement from your notes?

The *Attorney-General.*—I suppose it was the printer?

Mr. *Curran.*—I did not ask the Attorney-General whether it was the printer?

Mr. Justice FITZGERALD.—Did you compare the print with your notes?—Yes.

Did you find in the print the word "landlord" and in your note "Ferrick"?—Yes.

Mr. *Curran.*—Did you make the transcript yourself of your notes?—I did.

Did you give that transcript to the printer?—I sent it up to the Castle.

And you ask us to believe that the printer or the authorities in Dublin Castle mistook "Ferrick" for "landlord"?—No; I did it myself in transcribing it.

Show me your note-book?—(*Witness* handed counsel his note-book).

Mr. *P. O'Brien.*—It is certainly extraordinary.

Mr. *Curran.*—Point out on your note where the word "Ferrick" is there?—(*Witness* refers to his note).

What is that mark in the book?—"Ferrick."

On your oath is there any erasure there?—No.

On your oath, sir, is there anything there rubbed out with your thumb?—No.

Let the jury see it and judge for themselves. What did you rub out with your thumb there?—I rubbed out nothing with my tongue.

I did not say your tongue. What did you rub out there with your thumb?—I rubbed out nothing with my thumb.

What is the mark there?—There might be a black mark or something.

Where is the first transcript of the first shorthand notes you made?—I have not got it here.

Where is it?—I suppose it is in the Castle.

Mr. *Curran.*—I ask the Crown will they produce the first transcript of the note he made?

The *Attorney-General.*—We have not got them here.

Mr. *Curran.*—Will you produce it? The Castle it not so far?—(To witness)—In the first transcript you admit the words were, "There has been a landlord shot in Ballinrobe." Which way did you find it in your notes?—I have it this way in my notes, "I say you must organize and establish a branch of the Land League. There has been more good done since this day week. Ferrick has been shot in Ballinrobe."

Then why did you put in the words in the first instance, "There has been a landlord shot?"—I might have made a mistake; I am not infallible.

I am quite sure of that, friend, that you are not infallible. "There has been a landlord shot in Ballinrobe." Is Ferrick a landlord?—I could not say.

On your oath don't you know that he was only a bailiff?—I did not know that he was.

Do you swear that?—I do.

You were in the neighbourhood about the time. Did you hear a man was shot?—I did, Ferrick.

Did you know who Ferrick was?—I did not.

Had you the curiosity to ask who Ferrick was?—I had.

Do you swear that you, a constable in the neighbourhood, had not the curiosity to inquire who Ferrick was?—No.

Does the word landlord occur in your notes?—I will see. [Refers to his notes].

Does it?—Yes; there is the word landlord; that is in another place.

I ask you was the word landlord in your note at that particular place?—No.

If it was not, why did you put it into your transcript?—I cannot tell.

Mr. Justice FITZGERALD.—He has answered that already.

Mr. Justice BARRY.—Show me where the word "Ferrick" is in your note?—(*Witness* hands up his note-book to the bench).

Cross-examined by Mr. *R. Adams*.

Just follow your shorthand note according to this report—"I am a thorough nationalist."—

Mr. Justice FITZGERALD.—Three or four counsel cross-examining on the same point is quite out of course.

Mr. *Adams*.—It is only just as to one matter, my lord (to witness) just follow your note—"I am a thorough nationalist. I say you must organize and establish a branch of the Land League. There has been more good done since this day week—there has been a landlord shot in Ballinrobe," or Ferrick has been shot in Ballinrobe. What is the shorthand symbol you have there for Ferrick?—"F. R. K."

And what is the shorthand symbol for landlord?—"L. upward R. and D."

Would there be any likeness between "F. R. K" and L. R. D"?—Not a bit.

If you had "F. R. K." before you, and not "L. R. D.," how did you come to write landlord?—I made a mistake.

Mr. *Murphy*.—Look to the report of the meeting at Dooneen, County Roscommon, held on 22nd August, 1880. Turn to page 3 of that meeting, in the speech of Mr. M. M. O'Sullivan. Begin with the words, "You are assembled with the firm determination that no evictions"—(*Witness* reads)—"You are assembled with the firm determination that no evictions shall ever take place yonder on the plains of Boyle again (cheers). You are assembled to bring that power which caused those evictions to its knees, ay, and to strangle it there (cheers). You have been asked for the past twelve months to pledge yourself to take no farm from which a tenant has been evicted. I will now ask you to go one step further, one step on the road to the attainment of your just rights; I will ask you to pay no rents, pending the settlement of the land question. Do not say to these landlords, we would pay your honour if we had it. Don't be saying I would pay you only I am afraid of my neighbour. Stand together up like men and say you won't pay until you get

this land question settled. Away Mr. Cromwellian Land Thief (cheers and groans). You will get no more, you have got enough already, and we are determined now to put away the likes of you."

Cross-examined by Mr. *R. Adams.*

Look at the second page of Mr M. M. O'Sullivan's speech, please; look at the seventh line from the top, commencing with the words, "If a poor man is evicted"?—(*Witness* reads)—"If a poor man is evicted from his holding he is offered five years' compensation, and we are offering the landlords twenty years' compensation, and if they do not take that perhaps they might take less by-and-by (cheers). The landlords say we have our mortgages to meet: yes, but these are the mortgages that have raised your rents."

He said that?—Yes.

How long was Mr. M. M. O'Sullivan speaking on that occasion?—I could not say.

Half an hour?—I did not time him.

Did he not speak a great deal more than that?—He may.

Did he speak twice or three times as much?—He did not.

Cross-examined by Mr. *M'Laughlin.*

Did Mr. P. J. Sheridan, one of the traversers, speak at that meeting?—Yes.

Have you a report of his speech there?—I have.

Read the beginning of it. How long did he speak?—Quarter of an hour.

Twenty minutes?—I could not give you any idea of how long he was speaking.

How long did Mr. O'Sullivan speak?—I could not say.

How do you compare the length of one speaker with the length of another, when you do not recollect the length of time either of them spoke?—I could not say.

Have you there more than one-twelfth of what he said?—I could not say.

At all events, Mr. Sheridan proposed a resolution?—Yes.

Read the resolution?—(*Witness* reads)—"That we pledge ourselves to pay no rent pending a settlement of the land question, and we call on our brother tenant farmers to act upon the advice of Dr. Croke, Archbishop of Cashel, and the National Land League, to hold the harvest."

That is a divine of the Catholic Church mentioned there?—Yes.

Did he mention the name of Dr. Moran, another bishop?—I do not recollect.

Do you mean to say he did not mention it?—I have nothing about it.

That is another thing. Will you swear he did not refer to the Right Rev. Dr. Moran, as well as to the Most Rev. Dr. Croke?—I will not.

Cross-examined by Mr. *Adams.*

Did you take any record in this report of when the meeting begun, and when the meeting ended?—I did.

Read the record of when the meeting begun and when it ended?—I have not the notes of it here.

What time did the meeting commence, and when did it end?—I do not remember.

Where did you take a record of the time?—In the introduction.

Where is the introduction?—I do not know.

Has the Crown it?—Yes.

Mr. *Murphy*.—He can give it from his notes.

Mr. *Adams*.—The witness states that it is written in his introduction when the writing commenced and when it ended, which the Crown have. It is a great waste of time.

Mr. *Porter*.—In the first place it is not stated in the introduction.

Mr. *Adams* (to witness).—How long did the meeting last do you think?—I cannot say.

What do you think?—It lasted I suppose about two hours.

How many pages of print have you there?—Seven pages.

How many pages have you if the broken were put together?—I cannot say.

Were you in court when a shorthand-writer swore that thirty-four pages would represent two hours speaking?—I do not remember.

How many pages have you?—Seven.

Are some broken?—Yes.

Are there seven full pages if the broken were put together?—Yes.

Then if thirty-four pages would represent a full meeting of two hours, what portion would five pages represent—about one-seventh?—I suppose so.

How many transcripts did you make of your notes?—One.

And you have it?—I sent it to the Castle.

Did you take any notes in longhand at these meetings?—No.

Do you mean to say that you sent your first transcript fresh from your notes to the Castle?—Certainly.

Re-examined by Mr. *Murphy*.

Take up the meeting in Tuam on August 15th, 1880?—Yes.

Look at page 3 of the speech of Mr. Brennan, one of the traversers, and read the resolution proposed by him?—(*Witness* reads)—"That as a united and solid organisation of the people is necessary for the attainment of their rights, we pledge ourselves to organize in this district, and form a branch of the Irish National Land League."

Go down to line 15, and read?—(*Witness* reads)—"The rights even of property must give way before the far higher rights of humanity; you must protect your own lives and those of your families by not allowing any person to take from you this year's harvest, which the charity of the world enabled you to raise. I say if you give the landlords the harvest in the shape of rent you need not expect the people of America and Australia to come again to your aid to keep you out of the workhouse and from starvation (a voice, 'We will not')."

Go down to line 32?—(*Witness* reads)—"I want you to pay the farmer 20*s*. to the pound, the shopkeeper 20*s*. to the pound, and your neighbour 20*s*. to the pound, and if you have anything left you can give a little to the landlord to keep him from starving (cheers). Let the landlords go and work as you do for their bread, and then they will know what honest labour is. We will agitate from platform to platform until we get our desire, 'The land for the people' (cheers)."

Turn to the next page, where Mr. Gordon, one of the traversers, speaks?—(*Witness* reads)—"Mr. Chairman and fellow countrymen, I came here to-day to be one amongst the men of Tuam (cheers). I am a Tuam man myself. The land agitation is going on for the last 18 months. I am glad to see the men of Galway united with the men of Mayo. (A voice, ('cheers for Mayo.') The landlords say the land of Ireland belongs to

themselves, but I will tell them from this platform that the land was made by Almighty God for the people. My friends, where would the Irish people be to-day only for the assistance sent by the American people (a voice, 'Cheers for America'), and our noble leader, Charles Stewart Parnell? (cheers). (A voice, 'Cheers for the Fenians'). My friends, I do not intend to detain you any longer by any remarks of mine, as it is raining very hard, but I will give you one advice before I retire. Join the National Land League, and after a short time we will have the land of Ireland for the people of Ireland."

Cross-examined by Mr. *M'Laughlin.*

Did a gentleman called Mr. R. D. Walsh propose a resolution at that meeting?—He did.

Mr. *Murphy.*—Was Mr. Nally at that meeting?—He was.

Did you report any observations of his at that meeting?—I think so.

Read at the top of page 8?—(*Witness* reads)—"My friends,—I heard this morning that Boakin is going to shoot me. (A voice: 'He better stop at home.') I say, my friends, stick to your homes, and do not let these blasted landlords turn you out, away I say with the landlords."

That is all I will ask you.

Cross-examined by Mr. *Curran.*

Did you read that fairly?—I think I did.

You swear that?—I think so.

Read what follows?—(*Witness* reads)—"Then he distributed some tracts to the people."

Why did you not say that?

Mr. *Murphy.*—Because I asked him to stop at the end of the meeting.

Mr. Justice FITZGERALD.—You must recollect, Mr. Curran, there is no object in concealing that, because it is in print before you.

Mr. *Curran* (to witness).—Who is Mr. Boakin?—I believe he is a landlord, near Tuam.

Then Mr. Nally was allowed to speak at the meeting?—He was. He spoke a little before the meeting commenced, and a little after. He was the first speaker and the last.

Then he spoke both before and after the meeting?—Yes.

Cross-examined by Mr. *M'Laughlin.*

Who made the longest speech at the meeting?—I think Mr. Brennan made the longest speech.

Did not Mr. Walsh speak as long?—I think not.

Have you got a report of Mr. Nally's speech?—Yes.

Was it he made use of a couple of lines of poetry—

"The patient dint and powder shock,
Will blast an empire like a rock?"

—That was Mr. R. D. Walsh, not one of the traversers.

I refer to that passage simply that you may read the next sentence. Upon your solemn oath did he not say that Mr. Cobden, one of the most eminent of English statesmen, said that Irish landlordism stunk in the nostrils of the civilized world?—I do not remember.

Will you swear he did not?—No.

Did he conclude his speech with it?—He might have said more, but I haven't it.

That is awkward that you have not the part that will tell for us.

Cross-examined by Mr. *Nolan*.

Was there a resolution proposed about the House of Lords, and the throwing out of the Disturbance Bill—was there not? Look at page 2?—There was.

Well read it?—(*Witness* reads)—"That we regard the arbitrary action of the House of Lords in their rejection of the Compensation for Disturbance Bill, as not alone subversive of the first principles of the Constitution, but unjust and tyrannical and calculated to increase the miseries of the people of Ireland."

That was the first resolution spoken to?—Yes.

Did you get a copy of the *Freeman's Journal* at all?—I did.

Connected with this meeting—Yes, I may—going along in the train.

Was that to prepare your transcript?—No.

Was it the day it was published you saw the copy of the *Freeman's Journal*?—Yes.

Did you take the poetry which has been just referred to by Mr. M'Laughlin from the *Freeman's Journal*?—I did not.

Did you see it in the *Freeman's Journal*?—I do not remember.

Where did you read it?—In the train.

Did you keep the copy of the *Freeman's Journal*?—No.

When did you prepare your transcript?—Immediately after going home.

What did you do with the copy of the *Freeman's Journal*?—I left it, as I generally do, in the train.

Did you not see immediately following the poetry in the *Freeman's Journal* the words of Mr. Cobden used by Mr. M'Laughlin and just referred to?—I do not remember.

Cross-examined by Mr. *Sullivan*.

Read the first ten lines of the speech made by Mr. Furey. Did he not speak that day?—Yes. He spoke in Irish.

Then you did not take him?—No.

Who first proposed to you to go on this shorthand expedition?—I was ordered.

You were ordered?—Yes.

The *Attorney-General*.—This is evidence which has been ruled over and over again as inadmissible.

Mr. *Sullivan*.—How long have you been practising shorthand?—Eighteen months.

About eighteen months up to this date?—Yes.

That is all I will ask you.

Sub-Inspector HENRY M'DERMOTT (sworn) examined by Sergeant *Heron*.

You are a sub-inspector, Mr. M'Dermott?—Yes.

Did you attend a meeting held at Bohola, Co. Mayo, on the 4th July?—I did.

At what hour did the meeting commence? The meeting commenced, as well as I remember, about two o'clock.

Was Mr. Nally there?—He was.

Did you see any other traversers there?—I saw Mr. J. W. Walsh.

Do you remember any of the banners at that meeting?—Yes.

How many do you remember?—Two.

What was inscribed on the banners?—On one was "Emmet and

'98," and on the other side "Down with the landlords." The other had inscribed, "Straed, the birthplace of Davitt," and on the reverse side, "Down with the land-grabbers."

Where is Straed?—About two miles from Bohola.

A place where there is an abbey?—I cannot say if there is an abbey there.

Did you see the platform that had been erected?—I did.

Where was it exactly as regards description? was it in a field?—In a field on a farm of a man named Casey.

Before the meeting commenced did you go around the platform?—Yes.

At that time was there any placard on the platform?—No.

How often did you walk around the platform before the meeting commenced?—I went around several times and over the outskirts of the field.

When you came back did you see a placard on the platform?—Yes.

What did you do with it?—I went up and read it, and when I saw the purport of it I took it down.

That was the first one you took down?—Yes. (Placard produced).

Is not that it?—Yes, I wrote my initials on it.

This is it (counsel reads):—

"TRAITORS IN THE CAMP.
"MEN OF CONNAUGHT.

"A year has now passed by since you pledged yourselves never to take a farm from which another had been evicted, or which had been surrendered because of inability to pay rent.

"Have you adhered to the spirit and letter of that pledge.

"Have there been among you base, sordid traitors, who have betrayed your interests by breaking that pledge?

"Have the land-grabbers, land-sharks, and land-thieves been at their old work in your midst?

"If so, have you done your duty to your fellow-countrymen!

"Have you ceased to buy or sell from the traitors?

"Have you avoided them in the public place?

"IF NOT, ATTEND TO IT.

"Banish the land-sharks from the society of honest men!

"Leave their corn uncut, their potatoes undug, and themselves to wither under a people's curse!!

Their names, their human names, shall hang on high,
Exalted 'mid their less abhorred compeers,
To fester through the infamy of years.

"DOWN WITH LAND-GRABBERS
and
"GOD SAVE THE PEOPLE."

[Document put in and marked].

Did you hear Mr. Walsh speak at that meeting?—I did—Mr. J. W. Walsh.

When Mr. Walsh was speaking were you near Mr. Nally?—I was about ten yards I should say from the platform.

Did you hear Mr. Nally say anything while Mr. Walsh was speaking?—I did.

Was Nally on the platform?—He was at the time.

While Walsh was speaking what were the observations you heard

from Nally?—As well as I remember the purport of Walsh's remarks at the time amounted to this, that he advised the people to join the Land League; and Mr. Nally interrupted, and said, "There was more done since this day week, than all the Leagues in Ireland, for the country—Pills! Pills!!" I wrote it down on the spot. I took an envelope out of my pocket and wrote it down.

Did Nally say anything else?—Mr. Daly of Castlebar was speaking, when Mr. Nally interrupted him also, and said, "And Mr. Feerick was shot up in Ballinrobe. That is the relief for them—Pills."

Who was speaking while Mr. Nally said that?—Mr. Daly, of Castlebar, editor of the *Connaught Telegraph*.

What was the date of Feerick's murder?—I can only speak from what I read in the papers; the 29th June, Tuesday, and the meeting was held on Sunday.

After those observations were made by Nally, did Nally himself address the meeting?—He did.

Was he on the platform the entire time?—He was off the platform at the time I took down those notes.

But I mean during the meeting what was Mr. Nally doing?—He was on the platform in a prominent part in front, near the police reporter.

Do you know Mr. White, who was in the chair?—Yes.

Is he a farmer?—He is.

Were there any of the Catholic clergy at that meeting?—None.

Do you know Mr. Nally?—I do; I know him.

How long have you known him?—Well, I have seen him at meetings and going about the country, I should say about a year and a half.

Have you seen him at more meetings than this?—Yes.

About how many Land League meetings have you seen Nally at?—I only remember two, Killasser and this, but I have seen him at a lot of meetings in different parts of Mayo.

Cross-examined by Mr. *Curran*.

I suppose, irrespectively of his being at the meetings, there is no harm in his being in Mayo?—Certainly not.

Does not he live in that part of the country?—Yes; I understand he does.

And therefore there was nothing remarkable in seeing him there?—No.

But you were quite close to him when making those observations?—I should say from eight to ten yards.

You did not remonstrate with him?—Oh, no, I did not. The resident magistrate was by my side at the time.

The resident magistrate was by your side, and neither you nor the resident magistrate remonstrated with this man?—No.

Did not you know the police used to treat him to drink?—I have heard it since this trial commenced.

Did you also hear that he was a man who was easily excited by drink?—Well, I do not remember hearing that.

Do you know it, whether you heard it or not?—Well, judging from his appearance, I imagine he would be excited.

Then, under the circumstances, did you think it a right or proper thing for a policeman to give him drink before a meeting commenced?—My individual opinion is that he should not.

You say you have frequently seen him—I do not mean to say drunk,

because he is not often in that condition, but with a drop in?—I never saw him in such a state that I would remark he had taken drink.

Not that you would take him up. Has not he the character of generally having a drop in?—I have heard policemen say so. I should say that I have seen him once under the influence of drink.

Did you ever see him hanging on by the railings outside those meetings?—No, I did not.

You know what I mean—that is, not allowed inside the platform, but hanging on outside?—No, I did not.

Re-examined by Sergeant *Heron.*

Mr. M'Dermott, at this meeting at Bohola did he appear to you to understand perfectly what he was saying?—He did.

Was he on that occasion under the influence of drink?—Well, judging from his appearance I would not say he was; I saw no sign of drink on him no more than I do at present. He presented the very same appearance.

What is his occupation do you know?—I do not know. He did not reside in my district.

Mr. *Curran.*—Will you undertake to swear he was not considerably under the influence of liquor that day?

Mr. Justice FITZGERALD.—The witness has given the only answer he could give, that judging from his appearance he would not say he was.

Witness.—I should say that before the meeting the resident magistrate and I went up to the principal persons, and asked permission to have the police reporter allowed on the platform. Mr. Nally was among the persons we spoke to, and he presented no appearance of drink at the time. I was within a yard or two of him then. They were going to the platform at the time.

Sergeant *Heron.*—With what other gentlemen was he associated—who were beside him?—Mr. White was there—the chairman; Mr. J. W. Walsh; a Mr. Clarke from the village of Bohola; and three or four local persons. There was a man called Sheridan there.

Was the reporter allowed on the platform?—He was.

By whose permission?—Mr. Daly of the *Connaught Telegraph* was the principal person; and Mr. White and Mr. Nally. They were walking up to the platform together, and the resident magistrate and I went up and asked permission.

Mr. *Curran.*—You say there was a Mr. Sheridan there?—Yes.

Do not you know that Mr. Sheridan did not speak?—The Mr. Sheridan was a local man. He resided at Bohola.

He did not speak?—At the meeting?

Yes?—I think he proposed a resolution; I am not positive.

The people who were the magnates of the meeting were all local people, were they not?—Yes, except Mr. Nally, Mr. Walsh, and Mr. Daly.

Are not they from the same county?—They are in the same county, but not in the immediate neighbourhood.

The *Attorney-General.*—We may adjourn now.

Mr. Justice FITZGERALD.—We cannot adjourn now, for this reason: the Judges are to meet to-morrow at half-past 11 o'clock. Their meeting will occupy an hour, and my brother Barry and I must attend that meeting to arrange upon the future course of the business of the Court; and we propose, at the rising of the Court to-day, to adjourn till half-past 12 to-morrow.

Sergeant *Heron.*—We expect, my lords, to finish to-morrow.

Mr. MATTHIAS LEVY sworn; examined by Sergeant *Heron*.

Are you one of Messrs. Gurney's staff?—No; but at their request I came over here.

Are you an experienced shorthand-writer?—Twenty-seven years' experience.

Did you attend the Land League meeting at Kilbrannan, county of Westmeath, on Sunday, 10th October, 1880?—I did.

And did you report the speeches?—I did.

Who was in the chair?—The chairman was Mr. Francis Feehan.

Was he a farmer, apparently?—Yes.

Did he read out the first resolution?—He did.

What resolution was it?—"That we protest against the threatened eviction of Mr. Hugh Garr, and we pledge ourselves, in the event of the eviction being carried out, not to take that or any portion of the farm from which a tenant has been evicted (cheers)."

Was Mr. T. D. Sullivan, one of the traversers, at the meeting?—Yes.

Go to his speech, page 4, line 9?—(*Witness* reads)—"Down in the county of Kerry, at the present time, you may have heard of the doings of an agent who is dispossessing families, and after dispossessing them, in order to prevent re-entry, he is burning the homes that once were theirs, in which they led virtuous, quiet, and happy lives. In Irish history there is now remembered, at the present day, as the name of evil omen, who, not content with the ordinary process of civil war, left a track of fire behind him wherever he went, and his name is known to this day as Murrock the Burner. It seems to me this land agent in the south of Ireland has become emulous of his fame. He wishes to make his name known to history as Ossey the Burner. Let us not have his evil example followed in this county, which has been sufficiently depopulated already. Let us, in the name of God, have no more of this trouble. They may talk of agrarian outrages. I condemn agrarian outrage; but the greatest agrarian you can imagine is the agrarian outrage of unjustly evicting a tenant-farmer from his honest home.

"You are aware that there is at the present moment going on an uprising of the long-oppressed Irish people against this atrocious system of rack-renting and eviction, known by another name, which tells in one word the whole story of the country—Irish landlordism (cheers). Against that accursed system the people are rising in peaceful revolt, and it is high time they should do so; and I tell you that peaceful revolt of theirs cannot be put down if the people prove true to each other; if they stand together shoulder to shoulder like brothers, you may defy all the power of the British Government (cheers), you may defy all the power of the German Government on the back of it, to continue the slavery and oppression of the Irish race."

Stop there, Mr. Levy, please, and now will you go to page 5, line 4—"Moreover if it calls down this punishment"?—(*Witness* reads)—"Moreover if it calls down this punishment on the people, if their legal and righteous agitation brings on them the penalty of having extra police, I will tell you how we will manage that. We will so organize the Irish counties as that they will want extra police in every county in Ireland (cheers). We will all act on the same footing, and one county will be as good as another, and then I would like to know where they will get all these extra police from (cheers). They sent us over a handful of marines some months ago, and they thought the moment they perpetrated that tremendous act of power and force and war that they had the Irish question settled. What about the marines? There has no more been said about them than there was about that large ship of theirs

that sank in Dublin Bay. The marines seem to sink out of sight as the Vanguard did when another of the ironclads gave her a stitch in the side, and down she went as if she was made of glass. They talked about raising her, and had a number of scientific men to discuss ways and means of pulling up the vessel from the bottom of the ocean. We are about to sink Irish landlordism, and if once we have it down, all the art of man will never raise it again (cheers)."

Now, will you go to page 6, the resolution at the bottom of the page —the resolution proposed by Mr. White and seconded by Mr. Kenny?—(*Witness* reads)—"That we will accept no settlement of the land question as final which does not abolish the existing system of landlordism, and substitute therefor a system of peasant proprietary; and for the attainment of this end we pledge ourselves to work in unison with the Irish Land League, and to form branches of it in this district."

Now, did you report also the speech of Mr. Michael O'Sullivan at that meeting?—Yes.

He is one of the traversers. Will you go to the commencement of his speech and read on for a bit?—(*Witness* reads)—"Mr. chairman, ladies and gentlemen, after the very able speech you have heard from your representative, I will not detain you long. He has stated the whole case in a nice, gentlemanly manner, as he always does; in the manner of a speaker, a historian, and a poet. You have protested against the threatened eviction which is to take place here, and you have pledged yourselves never to take this or any other farm from which a person has been evicted. You must also pledge yourselves never to buy any goods or cattle sold for rent. It is by these means, and by these means alone, as far as I can see for the present, that you will bring landlordism to its knees. If you do not take a farm from which a man is evicted, if you let it be useless to the landlord, if it be useless to the occupier, if you do not buy the goods sold for rent, what can the landlord do? He may evict; what is to be got by it? He will get no rent for the farm. He may seize the goods, an auction may be set up, but there will be no bidder. The resolution I have to speak to, tells you not to accept any settlement of the land question as final, except it abolishes the present system of landlordism, and substitutes a system of peasant proprietary. In this country three remedies have been placed before the people. First, fixity of tenure. What does that mean? It cannot be defined. What is a fair rent? You must establish a court to determine; and what is free sale? It is a sale dependent on the landlord (a voice—'A broken stick'.) Mr. M. O'Sullivan—When I hear men advocating that system and advocating also the repeal of the Union, I begin to see what contradictory opinions men possess. You would be doing exactly for the tenant farmers what Castlereagh did (groans). You would be tying up indissolubly the poor man to the rich and powerful men, who prey upon him. That is what Castlereagh did for Ireland. He tied poor Ireland to rich England, that England might prey upon it."

Stop, if you please, Mr. Levy—now will you go to page 8, at line 6—"A tree is known by its fruits"?—(*Witness* reads)—"A tree is known by its fruits. What are the fruits of landlordism? First, confiscation. You have the people making the land beautiful, like your land in Westmeath. They make mountain and bog fertile by the sweat of their brow, and then what happens? They are driven back gradually into the swamp, and from swamp to swamp until they are driven to the sea to emigrate. They are driven to the tops of mountains until they make the land fertile, and then what follows? Eviction. What is eviction? I have seen one. I have seen a poor widow woman with eight children driven

forth from the house which her father built, and in which she got married. I have seen that woman with eight children sitting on the roadside, rain and snow coming on their heads, without a morsel of food. There they were, seeing the house they built levelled before their eyes. When you read in a novel of an unfortunate woman in the streets of London sitting outside, not the house she has built, but the house of a stranger, are we not moved to tears when we read such a thing in fiction? What must it be when we see it in fact? (cheers). Seeing that, will any man tell me that landlordism is not a thing intrinsically bad? (A voice: 'Down with them.') If you put it to a jury of honest men, and ask for their verdict, what will be that verdict—good or bad? (A voice: 'Guilty for the landlords')."

That will do. Now go to page 9, at the top, "A party is required in Parliament," and read to the end?—(*Witness* reads)—"A party is required in Parliament; and an organized people is required out of Parliament (cheers). It is on your organization and on the work you do that any measure of land reform will be given to Ireland. Organize yourselves into branches of the League. I wish to pledge you here today, those who are intending becoming members of the League—hold up your hands those who will (hands were held up) (cheers). The secretaries will take your names after the meeting. Do not leave. Do not run away after taking the first step. You must go on on the lines of agitation until you find it is fruitless. Then, I say, we mean to have the land if you are organized. Above all, the man who does anything of an individual character, who commits any outrage against personal property, he is at the present moment the greatest enemy of Ireland. Be organized—do nothing that will compromise the cause.

"'Be your own masters, dense, resolute, strong,
To war against treason, oppression, and wrong.'

(Cheers.)

"A Voice.—'Three cheers for Parnell' (cheers).

"A Voice.—'Land robbers and middlemen' (interruption).

"The Chairman.—I am happy to see at your meeting no police, but I am sorry to see no priest (interruption). I am sorry I cannot make a speech (cheers)." I may say with regard to the poetry that I am not quite certain about it.

Cross-examined by Mr. *O'Brien*.

With reference to Mr. T. D. Sullivan's speech, would you go to page 5. I want to know whether you read the concluding portion of that page?—I did not.

Then, just commence, if you please, at line 42 and read on?—At "We want to do away with"——

Yes; read three lines there?—(*Witness* reads)—"We want to do away with the temptation that comes to individuals when they are hard and sore pressed to avenge their private wrong."

Now, turn if you please to page 6, and commence at the end of line 11—"The law has sanctioned"?—(*Witness* reads)—"The law has sanctioned many an injustice in Ireland. It has driven many men to ruin and despair. People talk of the law. We have bad laws in Ireland; we have long had bad laws in Ireland, and it is no defence for a man to say on this question of landlord and tenant, he has the law at his side. To this agrarian question the law has long been the enemy of the poor man, and the robber of the poor man. (A voice—'What law).' The law made by England. It has sent honest men to the workhouse, to the emigrant

ship, to the gallows, and the grave. Our desire is to end this hideous condition of affairs, and to have peace and comfort in this native land of Ireland. Our desire is that the honest tiller of the soil shall have no man to make him afraid, and rob him of the fruits of his industry—that he shall not, at six months' notice, be turned from his hearth, and be told to take the wide world. I believe, if the Irish people do their duty in this matter, that a satisfactory settlement of this question is not far distant; but, at all events, be it long or short, let us do our duty. Slaves we have been long enough. It is no shame for a man to be a slave if he resists it, and revolts against it to the best of his ability. It is a shame for a man to be a cringing and cowardly slave (cheers). It is a shame for a man, when he is shown the way to freedom, if he has not the manliness to act on that fact.

"' Stand together, brothers all, stand together, stand together,
To live or die, to rise or fall,
Stand together, stand together (cheers)."

Again I would say that I am not quite sure of the poetry.

Mr. *O'Brien.*—It was very well read, I am sure.

Cross-examined by Mr. *Adams.*

Look at page 8, Mr. M. M. O'Sullivan's speech, and read from line 36 downwards—"Agitation has been condemned in certain quarters"?—(*Witness* reads)—"Agitation has been condemned in certain quarters. Unless it be a vigorous and determined agitation like the present it is to be condemned. Agitation without practical work after all is only as the soul without the body. You must put body into this. Organize yourselves. If you do, no Government in the world can withstand you. You have at present a party in Parliament headed by Mr. Parnell (cheers), and on the platform is one of his most trusted lieutenants, Mr. Sullivan, your representative. That party will be powerless without your assistance."

That will do sir; now, you said you would not pledge yourself as to the poetry?—No. I am not sure as to that.

That is as to "Be your own masters, dense, resolute and strong, to war against treason, oppression and wrong"?—Yes.

Should it not be "On, on, in your masses, dense, resolute and strong"?—I don't pledge myself to the poetry. It is in what I consider the nature of a quotation, and I am not answerable for anything that is quoted. I cannot say where the speech ended and the quotation began.

Mr. *Adams.*—I am only anxious for the literary reputation of my client. That will do, Mr. Levy.

Re-examined by Sergeant *Heron.*

Now did you report the land meeting held at Kiltoom in the county Roscommon on the 17th October, 1880?—I did.

Was Mr. Matthew Harris, one of the traversers, there?—He was.

Who was the chairman?—The chairman was Mr. Gaffey.

Now will you go to the speech of Mr. Matthew Harris, at page 9, line 43—"Therefore, I say to you"?—(*Witness* reads)—"Therefore, I say to you, that when you hear agitators denounced, when we found reason and argument was of no avail, and we found it necessary to appeal to passions of the people to tell them how they were rack-rented by landlords, how they were exterminated

by landlords, and tell them all the evils that could rouse up the passions and manhood of the country—when we found reason could not avail, we turned to the manhood of the country, and it is to the manhood of the country we appeal to-day (cheers)."

That will do for the present. Now, on page 10, line 42—"Come out of the town of Athlone"?—(*Witness* reads)—"Come out of the town of Athlone and what do you see? Every patch of grass or tillage you see has been done by the people, and reclaimed by the people, and if you inquire what rents they are paying for the land, you will find they are paying the very highest rents. Not only their improvements have been confiscated, but the money and labour they invested in the land has been robbed from them. Looking at the landlords as exterminators or rack-renters, or a man confiscating the people's improvements, take what aspect you may of the question, I do not see how you can refuse to say that the greatest advantage Ireland would derive at present is the total abolition of landlordism. Now, in this parish you have not a great extensive landlord; there are a number of petty landlords. There have been land jobbers and land dealers buying an estate to-day and selling it to-morrow. Those men are the curse and bane of Ireland (a voice—'Down with them.') If you had an extensive man, if you had one large man that had owned the whole parish or half the parish, then you might have expected fair play or extermination from such a man. But you have a number of poor, petty, grasping wretches, who are watching a poor man to see if he has a good coat on his back, to raise his rent: fellows, who, if they have—(then there is an interruption). There is only one way to manage those men, and that is to do what my resolution calls on you to do: to unite together as men, each to become members of the League; and as all these petty fellows are united with each other, so should you unite together in resisting this robbery and oppression which to-day they are forcing upon you (cheers). I remember. my fellow parishioners, on the lands we stand upon, old Sir Frederick French, who was a very good man in his way, owned the property; built cottages for the comfort of his tenants. I do not say the cottages he built were suitable for the people; he resided in London; and it takes a man to live among the people to know the people. At all events, like a good-hearted man, he showed a desire to improve the condition of the people. After Sir Frederick, there came in Sir Charles Danville (oh), one of the most stupid, one of the greatest tyrants that ever existed. The first thing he did was to inquire where there was a poor man who had a farm where the rent might be raised; after that he came forward and made the people bring their cats and dogs to kill them (a voice—'Down with them). Now I say that a man who would bring a poor man's cat and dog to kill before his door would not think very much of going a little further and killing the poor man himself (cheers). And when you hear so much said about agrarian crime, you should remember for the one crime committed by the tenant in striking down such a tyrant as Danville, there are a thousand crimes committed by the landlords in their oppression of the poor (cheers). After Sir Charles, who came in his place? An English hatter, Mr. Wakeman (groans). Surely I may apply to Mr. Wakeman the old proverb, out of the frying pan into the fire. Mr. Wakeman, like a wise tyrant as he is, for I will not call him a man, he looks through the whole country to see where he could get the vilest and the worst of agents, just as in ancient times those tyrannical men used to look out for the keenest scented blood-hounds to hunt down the people. The worst man is Sebastian Nolan; the worst man, the worst agent, and the greatest

scoundrel in the West of Ireland. Sebastian Nolan was fired at in the county Galway (a Voice—'It was time'). Of course the man who fired at him committed a very great crime (a voice—'Oh'). But for fear that he had been fired at, I will not say what another outrage he would even have committed:—a greater crime. What did Sebastian Nolan do. He came by the tenants one by one. He had the face of a hypocrite. He was in Haire's Hotel. He brought them in and asked them to have a glass of whiskey——

You may stop there, and go on to——

Mr. *M'Laughlin.*—There is nothing more about Mr. Nolan in the speech, and the passage being begun should be completed. There are obvious reasons why it should never have been introduced, and it could have been omitted without weakening the Crown case.

Mr. *O'Brien.*—It is a gross breach of good taste.

Mr. *Curran.*—We might have spoken of green neckties worn by counsel, just as the green banners carried to meetings were spoken of.

Mr. *O'Brien.*—It is in scandalous bad taste.

Mr. Justice FITZGERALD.—I must really request that these observations be not made, and that we should proceed, as heretofore, peaceably and regularly, and as befits a court of justice. That cannot be if these personal observations are made.

Mr. *M'Laughlin.*—I made no personal observation, my lord. I simply said that after where the learned sergeant stopped there was nothing more about Mr. Nolan.

Sergeant *Heron.*—The Attorney-General read this in his opening statement, and I think I am bound to supply the evidence. But by all means let the witness continue to read the speech if it is wanted.

Witness (reads)—"And I tell you that whiskey has done an amount of injury to our country that is almost incalculable. He brought them in, and when they had a glass of whiskey, shook hands and said, 'How are you Tom, or Paddy, or Bill;' and he said, 'You know I would be inclined to do a good turn for you and be your friend, but I want you to sign this paper;' and he got the unfortunate men to sign away the rights they had, under even Gladstone's Act (a voice—'Oh!'). How are you to meet all the forms of tyranny? There is another man, though my sister has land under him, though she may suffer by what I am going to say to-day—I may tell you ours is a family accustomed to suffer by the acts of tyrants. My sister and those other tenants who are under this Hudson (groans), and Hudson looked at is Wakeman looked at, for even a worse man than those is Sheil, who is now dead (groans). I would not like to say anything about the dead that is in the grave. While he was in life in Ballintoppe I denounced the acts of Sheil, and in this meeting or any other place I denounce him as one of the lowest and basest men that ever did the dirty work of a tyrant. Now, those Hudsons, I knew them since I was a child. Sam Hudson, the heir to the property, the step-brother to the man who is now in it, tore down a widow's cabin, convenient to our house. That widow came out and knelt down on her bare knees, and she asked heaven to give him a short and sudden death. And Sam Hudson was passing by the road in a short time after, his horse stumbled and his neck was broke (cheers). That showed, and I have a firm belief in it, that the widow's curse was heard. And Hudson's father came down and inquired whether she did do so; he inquired as to the truth or falsehood of what I am saying, and when he found it was true he went away with a gloomy face. Notwithstanding that example of the anger of the Almighty, the present Hudson, brother of—(there was an interruption). Notwithstanding

the example of what had been done to his brother, this low cowardly wretch, this Hudson was afraid to do the work himself, he employed Sheil. He followed in the footsteps of his brother—(interruption again), the several tenants claimed the first rent, and put an exorbitant rent on them. Now, I put forward to you this practical example of Irish landlordism. I could enumerate others if I continued to speak till to-morrow morning. I could not tell you the crimes and deeds of tyranny, of covetousness and robbery these men have committed against these people. Fortunately, public feeling has at last come and raised itself to such a pitch that these men are beginning to feel their position. They are men who wish to have their deeds undone. The past cannot be recalled, and when the Government comes forward trying to frighten people from this great contest, they should consider that they have on their side, notwithstanding the denunciations of Dr. MacCabe in Dublin —that if every priest and bishop in Ireland denounced this movement, we have morals, we have justice, we have right, we have the progress of our country, the greatness of our nation, we have everything that justice and right and honour demand on our side. And the man who will not come forward to support this movement is a bad Irishman and a bad Catholic. And in some of my other speeches—there is not a man here has a higher respect for the Catholic hierarchy or clergy—I am the last man to say a bad word, but I have said a thousand times if these men were sincere in their desire to save our people they have a splendid organization—priests in every parish throughout the country; if they throw themselves with the people, the most tyrannical and strongest Government in Europe could not keep from you the rights you demand. If they do not desire to come forward they should at least hold aloof, and not be trying to trammel and crush down men like myself, calling them bad names and applying every foul epithet they could to crush us down if they are not inclined to do anything themselves. They may crush the agitator, but they cannot crush Ireland, or the cause of Ireland which we are putting forward in this great movement. There is an old Irish proverb which says, 'Old trees have long roots, strong trees strong roots.' Ireland is an old tree. Our roots are long, for they extend to America (cheers). We have there another Ireland. We have there the sincere friends of this country. Millions of people have been exterminated from this fair land. Our roots also extend into England, where thousands and thousands of Irishmen are in every city in England. If the Government were to go and re-enact the scenes of '98, our countrymen in England would not stand by and allow them to do so. They would find that our countrymen in England would lay their cities in ashes if if they attempted to re-enact the scenes of '98; and they would find our countrymen in America would cover the sea with arms that would come to our assistance if they attempted to grind us or oppress us (cheers).

Therefore, I say to you, it is not the power or tyranny of England you have to fear. It is not any dramatic effort they may make in the form of police or army; you have not that to fear at all. What you have to fear is the slow insidious process, killing you by inches, and exterminating you by many means, and keeping up a plausible face all the time, and saying, 'Look at the prosperity of Ireland; we are doing everything for them: giving them religious equality, and a tenant-right measure; while they, like vampires, try to prejudice your real interests. They are exterminating the finest race, the noblest people, who have made the fiercest contests for liberty in the face of the world (cheers). Therefore, I ask you to form branches of the Land League in your various localities. Individually, you are nothing; col-

lectively, you are everything. If you act individually, one poor man put against a tyrant of a landlord is nothing. If all the men on his estate and the adjoining estate join together, these men you fear so much are the greatest cowards on the face of the earth. When you see them driving good horses they are a dreadful determined people. I tell you the gentry of every country are the greatest cowards in the country, and we will shake these men if you show you have courage and unanimity. Therefore, I say to you, unite; but along with union there is this further request, have courage and manliness. If you have not courage, and do not come forward like men, and raise your heads in the manner of free men, and meet the tyrants as they should me met, your uniting together will fail."

Very well; now there is a passage at the end of page 14—"I beg now to propose," at line 18?—(*Witness* reads)—"I beg now to propose the resolution entrusted to me. It means, in substance, that you should join together forming branches of the Land League in these several localities, and show by example to the great town of Athlone, with its wealth and intellect, that the country by themselves, ruling with themselves, and working for themselves, are able to do the work independently if they do not get the aid and assistance of those parties that they expect aid from. I thank you for your patience in delivering this long speech (cheers)."

Cross-examined by Mr. *M'Laughlin.*

Now, Mr. Levy, I think you will believe that I am sincere in saying that after your long practice you appear to have become an expert at your profession, but how much were you able to do when you were about 18 months at it?—It is so long ago, I cannot say.

Very well. Now, sir, have you been reporting in this country before you attended these land meetings?—I never had the pleasure of being in Ireland until the 8th October, 1880.

And speakers here occasionally use very strong language?—That is a matter of opinion.

What would you say?—I would rather not give an opinion. I would rather keep myself strictly to my shorthand notes.

You have no more feeling than the pencil, I see?—I hope I have feeling, but I would rather give no opinion as to these matters.

You were on the platform at these meetings?—Yes.

And treated courteously?—I should say at once that I was received with every courtesy at all these meetings, and every facility that could be given was given to me to take shorthand notes.

And that applies to all the prominent men on the platform?—Yes; to all that I came across.

Mr. Justice FITZGERALD.—Have you anything more for this witness?

Sergeant *Heron.*—I have two more meetings. One in Clonmel.

Mr. Justice FITZGERALD.—It is time to adjourn now. We adjourn to half-past twelve to-morrow.

The Court then adjourned to half-past twelve o'clock next day.

ELEVENTH DAY—TUESDAY, JANUARY 11, 1881.

Mr. Justice FITZGERALD and Mr. Justice BARRY entered Court at eleven o'clock a.m.

Mr. *Goodman*, Clerk of the Crown, announced that all the jurors were present.

The *Attorney-General*.—We propose to read a passage from the affidavit of Mr. Egan.

Mr. *Walker*.—Sworn and filed in this case?

The *Attorney-General*.—Yes, an affidavit received on the 22nd November, 1880, in the matter of this prosecution. The motion, your lordships will remember, was against the *Evening Mail*.

Mr. *Walker*.—That is not this case.

The *Attorney-General*.—Yes; "The Queen at the prosecution of the Right Hon. the Attorney-General"——

Mr. *Walker*.—Yes, but that is a motion against two individuals.

The *Attorney-General*.—It is an affidavit sworn in presence of the officer by Mr. Egan himself.

Mr. *Walker*.—I understood from the Attorney-General that it was an affidavit made in this case. Now, I understand it was a motion against the *Mail*.

The *Attorney-General*.—It is headed in this case and filed.

Mr. *M'Laughlin*.—Unless the evidence is confined to Mr. Egan, and Mr. Egan alone, I submit it is not admissible. I apprehend the ground upon which it would be admissible *in omnibus* against all the traversers would be this, that it was a step in pursuance of the alleged conspiracy. Can it be pretended that, after the filing of the information, the application to commit the *Mail* for contempt was a step in pursuance of the alleged conspiracy?

Mr. Justice FITZGERALD.—The statement of one of the defendants is plainly evidence against him. It may turn out, when read, to be irrelevant.

Mr. *M'Laughlin*.—I am not concerned for him, but I am for others of the traversers, and I make the objection.

Mr. Justice FITZGERALD.—What do you read, Mr. Attorney?

The *Attorney-General*.—I read the 7th paragraph of this affidavit.

Mr. Justice FITZGERALD.—You put in the whole, and read the 7th paragraph?

The *Attorney-General*.—Yes, my lord, viz.?—"I say I am a traverser in this cause of the Queen against Parnell and others, and I am also the treasurer of the society called the Irish National Land League. And I make this affidavit chiefly in consequence of the absence of Mr. Charles Stewart Parnell, M.P., who is unavoidably absent in France."

Mr. Justice FITZGERALD.—Now, you had better call Mr. Levy. You said you had not finished with him.

Sergeant *Heron*.—I will get rid of one constable whom we want to send away. He will not take five minutes.

Mr. Justice FITZGERALD.—Take any course you like.

Mr. *O'Brien*.—I beg to read part of this affidavit on behalf of Mr. Sullivan. I read the 9th paragraph:—"I say, speaking for myself, that I am not guilty of any connection with or knowledge of any such wicked intents or designs as are imputed in said portions of the aforesaid publications

of the *Dublin Evening Mail.* I do not belong to any such gang as mentioned and characterized in the *Dublin Evening Mail* of the 15th instant as 'Mr. Parnell and his murdering gang;' and I do not believe in the existence of any such gang."

Mr. Justice FITZGERALD.—You can at any time read further passages, should you see fit.

Mr. *O'Brien.*—Thanks, my lord: I also read this paragraph:—"I say that my motive all through, and since the period of my joining the Irish National Land League, was for the benefit of my country and the advancement of its welfare. I never approved of, and do not approve of, any violation of the law, and when put upon my trial in face of the law I now claim its protection."

Constable PATRICK M'PHILLIPS, R.I.C., sworn, and examined by Sergeant *Heron.*

Did you attend a Land League meeting at Ballymote, county Sligo?—I did.

On Sunday, the 12th of December, 1880?—I did.

Are you able to write shorthand?—No.

Was Patrick Joseph Sheridan, one of the traversers, at that meeting?—He was.

Did you hear what he said?—I did.

Did you attend and take a note in longhand of what he said?—I did.

And is the print you have in your hand an accurate copy of that original note?—It is.

Have you the original note here, in case anyone wants to see it?—I have.

Very well, would you now read from the print what you heard Mr. Sheridan say?—(*Witness* reads)—"I feel no small pleasure at being with you here to-day. I came from the black North to be with you. When I say the black North, I mean as it is known to the people of the West. I am glad to tell you the men of the North are with you one and all, are striving to see who can strike best at the unholy head of landlordism. An attempt was made at the Brookboro' meeting to create disunion. Every means was had recourse to to create a row between the police, the people, and the dragoons. (Speaker talks of a placard issued, which he states was from the landlord's office, and a counter one from the Rev. Mr. Furlong, and continues)—A united Irish people will soon make short work of Irish landlordism (a voice, 'Down with it'). We will keep the flag of the Irish National Land League flying until we bury landlordism in the dirt. At best landlordism is a curse (points to Sir Henry Gore Booth's property, and continues)—Look at even the fields of what is called a good landlord."

"Like one man band together against landlordism. Band together and show the British Government that there is behind the platform men who, if they do not get their rights, will have them or know for what. My friend, Mr. Tully, has the other day established an admirable thing. He has established a Land League branch a Court of Justice. Let each of yous leave your disputes before your branch of the Land League. Let the vote of the majority carry, and any man who don't submit, use on him that twig called Boycotism. Law is one thing and justice is another. Do not hough cattle, or burn hay, or turf. My opinion those who do it are the hirelings of the landlords. Any poor law guardian who is not in sympathy with you, put him aside. On the 25th of March let no one represent you in the Corporation but Land League members. I am sorry to say that Land League branches are departing

from the rules of the parent Branch. I know of a case where a lady last week was ordered to give up a farm she took thirty years ago. We cannot go back further than our own existence, and dear knows since then we have more than enough to look after."

Who was in the chair at that meeting?—The Rev. Father Meehan.

And about how many people were there?—About a thousand, I should say.

Cross-examined by Mr. *Walker*.

I suppose there were a number of other speakers?—There were.

And did you take any speech but Mr. Sheridan's?—I did.

You took other speeches as well?—I did.

How long did Mr. Sheridan speak?—About a quarter of an hour or twenty minutes, I believe.

And that, not a page of print, is all you took of his speech?—Yes.

You told us already that you did not write shorthand?—No.

You only took sentences here and there, according as you were able to catch them?—As I was able to note them down.

Anything that you thought was strong you took a note of?—No; I took it both ways, I believe, as far as I could write.

Was that a tenth of what he said—I suppose it would be that?—I would say more.

You would say a ninth?—I would say a sixth.

Very well, you have a sixth there of what he said.

Cross examined by Mr. *A. M. Sullivan*.

Have you your original longhand notes?—I have.

Would you show it to me, please?—Yes. (Produced note-book.)

Have you marked in this the blanks where you lost two or three sentences?—No.

Why?—I took them down just according as I could write.

I know; but as regards your notes now in my hand, do I understand you to say that any one taking it up and reading it would think that they were reading a consecutive speech without a break?—I didn't intend it in that way.

But is it so; if I take it now and read it, would it appear a consecutive speech without breaks?—I think not.

Are there any marks there to show any breaks?—No.

Can you now with this pencil mark where the breaks occurred?—I stated distinctly that they were longhand notes.

Can you mark in this where you left out five sentences at a time?—I cannot.

Or one sentence at a time?—I cannot. I just took them down as quickly and as accurately as possible.

You read it to the jury—I don't want to occupy time by reading it again—as if it were a consecutive speech without a break in the sentences; is not that so?—No; I think not.

Well, where do the sentences break there, can you say?—No; but they refer to different subjects. The speaker deals with one thing, then breaks off into another.

I know; but is there any indication of a gap of three sentences between two?—No.

Then that is not at all a fair report?—It is a fair report of what is in it?

Of what is in it. Would you call it a fair report of the Bible if I cut out after every sentence three words?—Not in that way.

And isn't that the way this is done—isn't there three sentences out for every one you have taken?—There may be.

That is all I ask. That is the worth of this report.

Constable JAMES KENT, R.I.C., sworn, and examined by Sergeant *Heron*.

Were you at a Land League meeting held at Milltown, in the county of Galway, on the 25th July, 1880?—I was.

Did you see there Mr. Thomas Brennan, the traverser?—I did, sir.

And did you also see Mr. Gordon, the traverser, there?—I did, sir.

And Mr. Nally, the traverser also?—Yes.

Now, about how many people were there at that meeting?—Well, I should say about 2,000.

Did you see Mr. Gordon, the traverser, giving any pamphlets to the people?—I saw him driving on a car, and throwing pamphlets about in all directions.

Have you one of them here?—I cannot say that I have—not one of those that Mr. Gordon distributed.

Very well. Did any one of the traversers give you a copy of the same pamphlet?—Yes.

What pamphlet is that?—It is called John Devoy's letter.

Who gave you the copy of John Devoy's letter?—Mr. Nally.

That is Mr. Nally, the traverser?—Yes.

Now, were there any placards exhibited at that meeting?—There were, sir.

Did Mr. Nally give you anything else at the meeting?—He did.

What was it he gave you?—He gave me these three placards that I hold in my hand.

Very well, show them to me? (*Witness* handed placards to counsel.)

Sergeant *Heron*.—This (a red placard), my lord, is the same as the Bohola placard already proved, with an addition—"Traitors in the camp" it is headed, and then proceeds—"Men of Connaught—A year has now passed by since you pledged yourselves never to take a farm from which another has been evicted, or which has been surrendered because of inability to pay rent. Have you adhered to the spirit and letter of that pledge? Have there been any one of you so sordid traitors who have betrayed you interests by breaking that pledge? Have the land grabbers, land sharks, and land thieves been at their old work in your midst? If so, have you done your duty to your fellow-countrymen. Have you ceased to buy or sell from traitors? Have you avoided them in the public place? If not, attend to it. Banish the land sharks from the society of honest men. Leave their corn uncut, their potatoes undug, and themselves to wither under a people's curse.

Their names,
Their human names shall hang on high,
Exalted 'mid their less abhorred compeers,
To fester through the infamy of years.

Down with land grabbers, and God save the people."

Then there is added—"The next issue of this will contain the names and addresses of all the land grabbers in Connaught who have taken farms from which others have been evicted, or which have been surrendered owing to inability to pay rent. Look out for land sharks. Down with landlordism, and God save the people.

He also gave you this one (a white placard)—"To the People of Ireland?"—Yes.

Sergeant *Heron.*—"To the people of Ireland. Again, as a generation ago, when famine was rampant in the land—again the emigrant ship is offered as a remedy for your ills. A race that cannot be conquered must be exterminated, and beasts are preferred to men. Why do your enemies, or your miscalled friends, exhort you to leave the land of your birth, the land in which you desire to live and die? Is it because there is no room for you? If Ireland were as thickly populated as the small islands in the British Channel we should have a population as large as that of the United States of America. Is it because you are the victims of periodical famines? True, you are. But let the man-made causes be removed, and the industry of the people and the fertility of the soil will keep off famine for ever. But as long as landlordism is permitted to cramp your energies, to put penalties on your industry, and make the fruit of your labour its own, so long will hunger, and rags, and misery prevail. Emigration for the few, who would freely propose to try their fortune in younger lands, might be no evil; but wholesale and indiscriminate deportation of unwilling and unsuitable emigrants, has had as necessary results, the frightful immorality of the passenger ship, and the well recruited slums and jails of the Eastern cities of America. And yet "Philanthropic" men, nay, religious men, are found to be enthusiastic advocates of emigration. Why cannot these "philanthropic" and religious men expend their efforts in trying to settle the people at home? There is only too much room, and the expense would not be greater. True, landlordism proclaims its malignant prohibition, for one of its habitual crimes is the levelling of the homes of the poor. Come, then, we say, benevolent emigration agents, and help us to root out the cause of the nation's woes. Irishmen, this land is yours. Here, by the very law and fact of your existence, you are entitled to live and die. If any arrangement of evil-minded men expels you from the land of your birth, that is not justice, it is a foul attack on the order established by Providence. The so-called rights of property must yield to the far higher rights of humanity. It must become as easy for a man to live in Ireland as in any other civilised Christian land. Join together for mutual defence. Beware of the suicidal competition for land on which landlordism so conveniently throws the blame of its own unmeasured wickedness. Beware of "philanthropic" emigration agents who are doing the work of the English Government.

"Keep a firm grip of your homesteads."

CHARLES S. PARNELL, JOSEPH G. BIGGAR, WILLIAM H. O'SULLIVAN, PATRICK EGAN, A. J. KETTLE, MICHAEL DAVITT, THOMAS BRENNAN,	Executive Irish National Land League.

62, Middle Abbey-street,
Dublin, June 16th, 1880.

Now, Mr. Nally gave you that?—Yes.

Was that before the meeting commenced?—It was.

Did you see these placards posted up anywhere?—Yes; I was in the act of copying them when he gave me these.

You were copying other placards?—Yes, similar ones that were posted. I was doing that when Mr. Nally came out and handed me these.

And about how many of the red and of the white placards were posted up at the meeting?—Well, I saw six or seven.

Now, as regards their coming to the meeting, did any of the men march in procession?—Yes.

Do you remember the Tuam banner?—Yes; the one that came from the Tuam side.

How did they walk in procession with it?—They marched two deep; there was a horseman before the body and another behind, both wearing a sort of medal on his breast.

Did any men come in from Kilconnelly marching?—That is the contingent I mean.

Very well. Now, Constable Kent, were you at a Land League meeting held at Glennamaddy, in the county Galway, on the 16th of May?—I was.

Before I leave the Milltown meeting, I want to ask you was there a platform there?—No.

And what did the speakers speak from?—They spoke from a break or carriage.

Did you hear Mr. Nally speak?—Yes.

Where did he speak from?—He spoke from the break too.

Now you said you were at the Glennamaddy meeting on the 16th of of May, 1880?—I was, sir.

Do you remember any of the banners at that meeting?—I do.

Tell his lordship and the jury what the inscriptions on them were?—Will you permit me to look at my transcript.

Yes, you may be permitted to look at it.

Mr. *M'Laughlin.*—I suppose you made the note at the time?

Witness.—Yes. There was on one of them "the land for the people." On another "Galway to the front." Another was "remember 98," with a portrait of Robert Emmet. Another had representation of Erin. There was also "down with tyranny" on one of them.

Mr. Justice FITZGERALD.—Down with what?—"Down with tyranny" my lord.

Sergeant *Heron.*—Do you remember one with only the word "Kilkerran" on it?—There was one with the word "Kilkerran."

And after that banner was there a procession?—There was.

Describe to his lordship and the jury what that procession was?—There was a large number of people walking after it two deep.

Did they carry anything in their hands?—Thirty or forty of them carried guns, with what appeared to be bayonets fixed on them.

What were they—real guns or what?—They were wooden imitations —good imitations too.

Mr. *M'Laughlin.*—With tin bayonets, I suppose?—Yes.

Mr. Justice FITZGERALD.—Where is Glennamaddy?

Sergeant *Heron.*—In the county Galway. (To witness)—near what town?—Well, the nearest town is Dunmore.

Mr. Justice FITZGERALD.—And that is near Tuam.

Cross-examined by Mr. *M'Laughlin.*

How long have you been in the force, sergeant?—For nearly nineteen years, sir.

Very well. And now I believe you have succeeded very well in the force, and have got promotion—as we are all glad to see?—Thank you, sir.

Don't mention it. I am sure you deserved it or you would not

have got it. I suppose you have seen a good deal of service in the force?—Well, yes.

Active service, I mean?—I have been working all my time in it.

You were not frightened at this dreadful display of military implements—wooden guns and tinsel bayonets?—Well, no.

I thought so. You regarded it as good fun, didn't you?—No, I cannot say that I did.

Was there any danger to be apprehended from them?—I thought not.

Did Nally give you anything but these placards—according to the custom of the country and Nally?—He did not, sir.

Do you know what I mean?—I guess it.

What is it now?—I suppose you mean did he give me any drink.

You are right—a sharp man. I suppose he is a great teetotaller in that part of the country?—I think not, sir.

There is nothing very dreadful in these men walking two deep?—No.

And the man on horseback at their head was not a very dreadful man?—That was at the Milltown meeting, though.

Yes, I am going back to that. I suppose it was not a very warlike steed, but rather one of those animals that goes two miles an hour provided somebody shoves?—It was rather a well-fed animal.

That would make him all the slower to go—"who drive fat oxen must himself be fat." Was it at Milltown that Gordon gave you the pamphlet?—No, it was Mr. Nally gave it to me, but Mr. Gordon was also distributing them.

And he also gave you these placards?—Yes.

Did you go up to Nally and ask him to give you copies to save your copying them?—No, he gave them unasked.

Then he must be a very obliging fellow?—I thought him so on that occasion.

How many did he give you?—Three.

That placard with Mr. Parnell's name to it does not appear to be a very mischievous thing now, does it?

Sergeant *Heron*.—I object to that.

Mr. *M'Laughlin*.—I put it to his credit. He is a peace officer, and I ask him as a peace officer and a man of judgment (nearly twenty years in the force), is a placard he produces, in his opinion, very mischievous?

Sergeant *Heron*.—That is not for the witness to say.

Mr. Justice FITZGERALD.—No; he is not to answer that question; that is for the jury, upon the construction of the document.

Mr. *M'Laughlin*.—His answer might be part of the material on which the jury are to proceed. However, it is not worth pressing—(to witness)—That was a great meeting, wasn't it?—Yes.

And orderly?—Yes.

Have you given us all the mottoes you saw?—I have not.

What was the reason you did not—you have only given us the bad ones?—Well, I did so now.

Didn't you see a motto of this sort—a painting representing Erin shaking hands with Mr. Parnell?—Yes.

You know Erin would be represented by a lady with her arms outstretched?—Yes.

Shaking hands with Mr. Parnell, around which, in large letters, are these words, "Parnell saved my people. Welcome to Erin again, Ireland's benefactor"—did you see that motto?—Yes, I did.

Don't you think now that that was the most important of the lot, and

you didn't tell us a word about it—do you think it is fair?—I did not tell you a word about it.

Why—that is a poser?—It is not a poser, sir.

Well, answer it?—I am not quite sure why I did not give it to you—because I hadn't it on my notes.

That makes it the more odd—you might just think over it when you go down, you see it is a poser—wait a moment—my friend wants a word by way of finale.

Mr. *Curran.*—You say that at the Miltown meeting Mr. Brennan was there?—He was, sir.

Do you recollect the time that Mr. Nally was speaking?—I do.

Will you undertake to say that Mr. Brennan had not left the brake before that?—I will.

Was he there?—He was.

Will you swear he was?—I will, distinctly.

If some three or four parties swore that Mr. Brennan had left would you contradict them?

Mr. Justice FITZGERALD.—Don't answer that.

Mr. *Curran.*—Would he contradict them—it is merely testing his credit.

Mr. Justice FITZGERALD.—It is not evidence, whether he would contradict them or not. He swears positively Mr. Brennan was there when Nally spoke from the brake.

Mr. *M'Laughlin.*—I must only say, as being interested in the defence, that my friend has only asked a question that has been asked a thousand times and answered.

Mr. Justice FITZGERALD.—It is time now to stop it, with the thousandth-and-one time. We allow great latitude.

Mr. *O'Brien.*—I know I put that question a thousand times on the Munster circuit before Mr. Justice Barry. Surely it is a test of the witness's credit.

Mr. Justice FITZGERALD.—It is one of these irregular questions very often put that is not worth stopping. It is a suggestion that there are three or four persons who will swear directly the contrary. Bring these persons up and let them be sworn, and the jury will determine between them.

Mr. *Curran.*—Cannot it be put in this way: If it was sworn by several persons that Mr. Brennan had left the platform before Mr. Nally spoke, would it be true?

Mr. Justice FITZGERALD.—Don't answer that.

Mr. *Curran.*—May I ask him whether he would change his opinion?

Mr. Justice FITZGERALD.—No; nor whether he would change his opinion.

Mr. *Curran.*—It is not merely a suggestion.

Mr. Justice FITZGERALD.—If you have evidence on the part of the defendants that Mr. Brennan left before Mr. Nally spoke we will receive it in due course.

Mr. *Curran.*—With respect to Mr. Nally himself, Mr. M'Laughlin asked you did he give you anything. Did you give him anything?—No, sir.

You are the first constable that appeared here who did not?—Well, there is always an exception.

To prove the rule—isn't that so? You knew Mr. Nally?—Yes.

Do you know that—I am asking him this question with respect to the placards—do you know that he is paying his attentions to a young lady in the neighbourhood?—I do not.

Do you know that the match was broken off in consequence of sending this placard as an answer to a love-letter?—No, sir, I didn't hear that.

Mr. *M'Laughlin*.—I think it would be good legal cause for breaking it off.

Mr. M. LEVY re-called, and further examined by Mr. *Molloy*.

Did you report the Clonmel meeting, held on the 24th October, 1880?—I did.

Did Mr. John Dillon, the traverser, make a speech there?—He did.

Would you turn to page 20, line 11, "Let us consider," and read?—(*Witness* reads)—"Let us consider what are the means that the Irish League has used to protect the tenants, and propose to go on using, in spite of prosecutions and threats from the Castle. The means are simply those stated in the resolution. Strict organization—that is of more importance than meetings. You should have a branch in every parish, with its secretary, and president, and treasurer. You must have a couple of men in every townland to go round and ask every farmer to join. Hold a meeting, and come to an agreement on each estate what would be a fair and moderate rent to offer. Griffith's valuation is pretty near the mark, I believe. Come to the agreement, and let every man take a pledge not to go back to his neighbour, and let the tenants go together and make the offer; if it will not be accepted, put it in your pocket, go home, lodge it in a bank until they come to reason. If evictions are attempted, communicate with the Land League in Dublin, and it will defend the farmer in the court. and if he is defeated there and evicted, we will put a ban on the land. Call a meeting, and pledge the neighbourhood that no one shall touch it or speak to any man (cheers). Then we not only prevent it being touched, but prevent it being used. If it is put to any use some man must be employed to take care of it; let that man be outlawed, and let no man speak to him or deal with him, and you will bring him to reason very soon (cheers)." The great thing is you must multiply the branches of the League; start one in every parish. You must go on with this policy. If the Government prosecutes, you must show if the Irish people are a nation of cowards or a nation of men. The way to act if the Government prosecutes is this: if they prosecute your president or the secretary, put two other men in their places and go on with the work. By-and-by the jails will be full, and they will find it not so easy a task to put the whole of Ireland into jail (cheers). In fact it is my impression, if they continue this policy, before long they will find the best thing to do is to put the landlords into jail (cheers). Now, there is no necessity whatever for any nervousness on the point of crime. I am not aware the Irish people have been guilty of crime to any extent that justifies what has been said. I am aware that the London press are manufacturing deliberately in Dublin false crimes, which they are sending over by the column to London to raise a cry against our people (cheers). But I say, I refuse to denounce crime because I say the Irish people have not stained their cause by crime."

Did Mr. T. D. Sullivan make a speech there?—He did.

Turn to page 24, line 9—"But I will tell you."—(*Witness* reads)—"But I will tell you what the charge against Mr. Parnell is. The first count in the indictment they have against him is that he saved the lives of thousands of the Irish people. This is the sort of work these men do not want to have done, for they seize on every opportunity that offers for depopulating this fair and fertile land of ours (a voice—'Bravo'). To-day they tell you that Ireland is over-populated (a voice—

'With cattle'). There are almost as many people in the city of London as in all Ireland to-day, and yet they tell us this country is over-populated. When Charles Stewart Parnell saw the clouds of famine darkening on the Irish nation, he rose to their relief. He went, not to the British Parliament, he went across the broad Atlantic. He appealed to your fathers and sons, brothers and sisters, to your sons and daughters, for help for the Irish people threatened with famine, and over whom there was no Government for their relief. He appealed to the generous American people; nobly they responded to the appeal. His every word was turned to gold, and it was sent across to the Irish tenants that they might have seed in the earth, that they should have fruits in the harvest time. That is the first charge they have against Mr. Parnell and his friends. What is the second count? That he put a check on evictions; for though there are evictions going on to-day, heartless and cruel, yet there would be ten times as many but for Charles Stewart Parnell and the Land League. And now what is the third count in the indictment? It is a count that touches the hearts of the landlords very deeply, because it touches their pockets. It is, he reduced the rents of Ireland. He did. He and his friends have reduced the rents in many parts of Ireland, and kept many thousands of pounds in the pockets of the people who earned it, and who had the best right to keep it. These are the real charges they have against him; and he will face them like a man. Now you have heard here to-day some very practical speeches asking you to bear your part in the struggle before you. Form branches of the Land League. (There was an interruption). All the prosecutions, and all the informers, and all the constabulary, and all the force of the British Empire will not put down this movement. What is it we claim? Is it any unjust or dishonest cause? (A voice: 'No.') It is the cause of the right of the people to subsist in peace, comfort, and happiness on the abounding wealth that their own hands produce out of the soil of their own country, with the help of the good God. This is one of the objects of the Land League. This is not a thing of yesterday. The principle prevails in almost every country in Europe, except this country here; and many years ago the patriots of Ireland were putting before the Irish people the same idea of their peasant proprietary we are putting before you to-day."

Did the traverser, Mr. Boyton, make a speech?—He did.

Go to page 26, line 12, "Now, in pursuance"?—(*Witness* reads)—"Now, in pursuance of my duty as an organizer of the Irish National Land League, I call on every man here to pledge himself before God and in the sight of his fellow-countrymen never to take the farm from which his neighbour is evicted for nonpayment of unjust rent, never to purchase crops or cattle seized for rent, and never to work on such land. Every honest man who is prepared to take that pledge manfully and determinedly to keep it, hold up his right hand. (Hands held up; cheers.)

Cross-examined by Mr. *O'Brien.*

Now, Mr. Levy, you remember that there was a letter read at the meeting from Dr. Power, Bishop of Waterford?—Well, there were several letters. I don't say they were read. I have portion of the letter of the Bishop of Waterford. The secretary read it, but I cannot say I have it all. I don't think I have. I have portion of it.

Just read what you have?—There are breaks and blanks in it.

I may be able to assist you?—(*Witness* reads)—"The secretary—This

is the Bishop of Waterford's letter, dated 22nd October, 1880:—'In reply to your letter of the 18th instant, requesting, on behalf of committee of management, that I would express approval of the objects for the attainment of which a land meeting is to be held in Clonmel on the 24th, I beg to assure you and the committee that every constitutional effort having for its aim the satisfactory settlement of the land question shall command my warmest sympathies and earnest co-operation. Every true Irishman must deplore the sad and sickening sight of witnessing the bone and sinew of our population forced to fly from our shores in hundreds of thousands as houseless outcasts, the victims of inhuman land laws. Scenes such as these can be arrested only by the enactment of such wise and sterling laws as will wrest from landlords the despotic power given them by anti-Irish Governments, in order to uphold them as an alien garrison, to assist in crushing the legitimate aspirations of a down-trodden nation. An earnest and vigorously sustained agitation, such as that extending through the land, kept strictly within constitutional organization"—— There is a break there.

Counsel (reading)—"'Kept strictly within constitutional bounds, and excluding all secret and illegal organizations must command.'"—(*Witness* reads)—"'Must command the attention of statesmen, and sound the death-knell of landlord injustice and tyranny. Hence the usual faction cry for coercion, where the people demand the redress of their grievances, has been raised, and a friendly administration is daily goaded by its astute and designing opponents to suppress a constitutional though widespread agitation by suspending the safeguards of full and open discussion.'"

The next I have to read is—(*Counsel* reads)—"'But I trust that the enlightened statesmen who rule the destinies of the empire may not be so pliant as to play into the hands of their unmasked enemies, and forfeit the confidence of the Irish people. In order to remove all pretence for the enactment of coercive measures, and to sustain the Government in resisting the frantic demands for the suspension of the guarantees of free discussion, it behoves the leaders of the existing agitation to be moderate and guarded in language, and, above all, should any cry savouring of bloodthirsty retaliation or injury of property be raised by mischievous individuals skulking in the crowd, the rule of action carried out by the immortal Liberator in similar circumstances should be adopted by calling on the well-disposed to hand them over to the police. Hoping that all such precautions shall be taken, and wishing a favourable issue to your proceedings, I am, dear sir, yours faithfully,

"'✠ JOHN POWER.'"

Tell me, did Count Moore make a speech there?—I have Mr. A Moore, M.P.

It is the same Moore. Just read from the beginning of his speech?—(*Witness* reads)—"I have to propose this resolution to you." Then I have "read the same." I have not got the resolution.

Here's the resolution. (*Counsel* reads)—"That the periodical depression deepening into famine"——

The *Attorney-General*.—I object; let that be proved afterwards.

Mr. *O'Brien* (to witness).—Just refresh your memory as well as you can. Was it to this effect—"That the periodical depression deepening into famine, with which Ireland, a fertile country, is afflicted, proves incontestably that the laws which hamper the cultivation of the soil are unsuited to the present state of society, and demand radical changes"?—I cannot recollect it.

Very well, read on?—(*Witness* reads)—"Fellow-countrymen, I have travelled far to be with you here to-day (cheers). I felt that this much was due to my constituents, and that deep respect which I have for them—those constituents who have honoured me by sending me to Parliament to represent them. I felt also it was due to that deep sympathy which I have and have always had for every generous impulse and every lofty aspiration that warms the heart or fires the blood of Tipperary (cheers). You are met here to-day to protest against the systematic and long-continued misgovernment of the country,—a misgovernment that has resulted only in poverty and misery, in frequently recurring famines, and dire misfortune in every shape (cheers). Now, the causes I want to lay stress upon, as at the root of these evils, are absenteeism, which drains the country of so much capital each year. Another cause that you do not hear from everybody—the poor laws are harsh; an inelastic poor law, that never adapted itself to the wants of the labourer or small farmer, but absolutely in the present day places a premium on extermination (cheers). Then we come to the land laws. I say there is no parallel for the land laws found in any civilized country. They are not the same in Scotland; they are the same in England, but under totally different circumstances. In Scotland a man takes a farm for 21 years. At the end of 16, when he has five years of his lease to run, if he does not get good terms, he will rack his land, and give it up to the landlord. It is the landlord's interest to treat him well. In England they possess capital and have improvements. In Ireland the farmer has to stock his farm, rebuild, and drain, and fence, and then can be put out at twelve months' notice (cheers). I look on the defect at the bottom of the land laws, that the people never had security. Without security there could be no prosperity. The land laws have paralyzed industry, and too often legalized robbery and oppression (cheers). As a landlord myself I assure you I am perfectly sincerely desirous of drastic measures of land reform (cheers). I tell you, you are on the eve of a lasting and a happy settlement of the land question. I firmly believe it (cheers). Our Government will do it, because they must (hear, hear). Everybody is calling for it. The tenants are calling for it, and the landlords themselves are only too anxious, I believe, to get out of the difficulty (cheers). I believe myself the landlords are only too anxious for any just and fair settlement, such as fixity of tenure, fair rents, and free sale; and I tell you my only anxiety is that Mr. Gladstone is a little too fond of reforming the Grand Turk and Pachas of Constantinople, and the sooner he turns his attention to the reform we want in our own country the sooner he will gain the respect of sensible and wise men (cheers). (A voice: 'Three cheers for Mr. Parnell).' Now, what is the condition of the country? There are 10,000 owners of land here, and 600,000 tenant farmers holding from year to year. I say that is a most unhappy position for the tenant farmers, and it is not a happy position for the 10,000 landowners. I am anxious to see not 10,000 but 200,000 owners—the farmers of Ireland holding their own farms. Well, my friends, I tell you frankly I am not in favour of expropriation. I do not want to see the landlords driven in a body from the country (cheers). Some have been good men, and many have been bad. I do not want this. I do not think it is just, and I do not think the heart of Catholic Ireland would ask for anything unjust. Now, you complain at present you pay half or quarter of your rents to English absentees. If you send away the whole of your landlords, the whole of your rents would go to the British Exchequer, and that would not better your condition or the condition of the

labourers if the landlords were sent away, or better the condition of the trading community like your own flourishing town if you were to drive away all the landlords in a body (a Voice—'Never'). I am talking good reason and sense. I do not want to say what I do not think and believe and mean; but what I say is, I think we must have a measure of peasant proprietary brought in next session, and that I believe you can and will get from the Government. They must give it, and can give it. You ask me, if I would not expropriate the landlords, how I would settle it? There are many men who cannot sell the land, who have not power to give long leases. First, I would have free land. I would sweep away all the restrictions which prevent a man selling the whole or portions of his property, and I would permit that man to give a lease for ever. I would have a Government department which would buy up the properties in the market and sell them to the tenants, and would offer inducements to landlords to sell a portion or the whole of the property; and, finally, I would put a little pressure on our friends the absentees (cheers). What did they do for the country last winter, when the labourers were on the verge of starvation. They were spending their rents in London and Paris; they threw the labourers on a few resident proprietors and public bodies to find employment, and squandered their rents in foreign countries. They discharged their duties by paying half the poor rate. I would put the entire poor rate and the entire county cess on them, and, if necessary, I would fine them; and I declare to you after that I believe they would be anxious to sell. The reason for not giving a peasant proprietary is this: It is said the people would not stand to their bargain, and would not pay. I do not believe that. We may be everything bad, but not a nation of robbers. It is one thing for people to object to paying an unjust rent, but there is not a man here in this assembly who would dare face them, and say he would not pay a just debt (a voice—'No'). I believe such a measure of peasant proprietary would contribute largely to a lasting, a just, a safe and abiding settlement of the land question. Now I am not going to detain you too long. I have already trespassed on your patience; I give you two words of advice. Bad men are trying to throw enmity and strife between you and the clergy. Do not let that be (a voice—'No'). The best friends you ever had are your own faithful, patriotic clergy. Let the priests and people of Ireland stand or fall, but let them stand or fall united (cheers). And now I have to congratulate you upon this magnificent demonstration, and upon the peace and order that reign here; and I have to congratulate you upon the peace and order of your great county, the more praiseworthy and more remarkable, inasmuch as many of you have suffered the sharp pinch of want during the last year. I tell you, you have the settlement of the land question in your own hands. The British Government cannot prevent that settlement. No power on earth can prevent it; you have it in your own hands. There is one thing could prevent it, and that is you should betake yourselves to ways of violence and crime—crime that would estrange the sympathy of honest men, and give a handle to the enemy who are longing to inflict new laws of coercion on you. Be clear, be determined, be just. Remember the words of Davis:—

'Freedom comes from God's right hand,
And needs a godly train;
'Tis righteous men must make our land
A nation once again'" (Cheers.)

Next will you turn to Mr. T. D. Sullivan's speech (to the Court)?—I

am afraid the witness seems to be a little fatigued, and perhaps the Attorney-General would allow me to read it.

The *Attorney-General.*—No; I did it before and I will not do it again.

Mr. Justice FITZGERALD.—Mr. Levy reads uncommonly well, and does not appear to be a bit fatigued.

Mr. *Curran.*—He seems to feel what he reads.

Mr. *O'Brien.*—I thought his voice was a little rough. (To witness)—Just read what Mr. Sullivan said—page 23, line 1. (*Witness* reads)—"Reverend chairman and fellow-countrymen. I thank you for giving me the opportunity of addressing to-day this splendid assemblage of the brave and stalwart men of Tipperary and Waterford. I congratulate you on your numbers and demeanour, peaceable, orderly, and good tempered. The landlords of Ireland are losing temper, and so well they may; but you are not losing temper, because though you have seen hard times, and though you are having hard times, you know you have right on your side, and you believe, in this glorious and righteous struggle, you are on the winning side (cheers). Now, just fancy what a state of panic the landlords have got in through the length and breadth of the land, filling the newspapers with their cries, sending over the land the most alarming accounts of the mortal fear and peril of their lives they are in. They say, we cannot walk out at all without three or four of the Royal Irish Constabulary to take care of us (laughter and cheers); and that at night we have to barricade all our windows and double bar our doors; and when we go to bed we do not know whether we will rise up alive in the morning (laughter and cheers). Now, what makes those men so fearful? What makes them affected by this panic? What shakes their nerves? Bad consciences (laughter and cheers). Why, I know one of those gentlemen, down in the county of Kerry, who has got into such a nervous condition that if he hears a cock crow he jumps; and two nights ago, about the witching hour of twelve, a servant maid was passing along with the water jug in her hand, and she let it fall, and he gave a bounce, and he fell on the floor."——

Mr. Justice FITZGERALD.—Do you think this a matter of importance?

Mr. *O'Brien.*—Really I think it shows the exaggeration.

Mr. Justice FITZGERALD.—I leave it to your discretion, but it appears to me to be the wildest trash.

Mr. *O'Brien.*—Your lordship says so; I think it is very much to the point.

Mr. Justice FITZGERALD.—I do not wish to interfere, but I merely suggest to you.

Mr. *O'Brien.*—I want to show the jury that there is great exaggeration about the state of the country.

Mr. Justice FITZGERALD.—And do you propose to show that by Mr. Sullivan's invention about the maid and the water jug.

Mr. *O'Brien.*—(To witness)—Go down to the foot of page 24 of Mr. Sullivan's speech, "I came across lately"?—(*Witness* reads)—"I came across lately some lines of Gavan Duffy, written in 1848, which will show you we stand on the platform here to-day that the bravest and best men of your race occupied years ago."—I have not got the lines.

I will read them for you.

The *Attorney-General.*—Let him read what he has.

Mr. Justice FITZGERALD.—Mr. Levy says, "read the same down to the words—'But we are serfs in our own land; hard masters tell us why?'"

Mr. *O'Brien.*—I want to ask him are these the words, and would he know the lines.

The *Attorney-General.*—I object. You may ask him would he know them if he heard them.

Mr. *O'Brien* (to witness)—Would you know the lines if you heard them read?—I should not. I don't know the lines at all. I could only hear the end of it—"But we are serfs in our own land; hard masters tell us why?" That is all I have.

Mr. *O'Brien.*—Allow me to answer it.

Mr. Justice FITZGERALD.—The witness says he could not identify it.

Mr. *O'Brien.*—To make that part of it intelligible, my lord.

Mr. Justice FITZGERALD.—Don't you think we have enough hard facts without poetry.

Mr. *O'Brien.*—I consider it is very serious, and I am very anxious to put it in.

Mr. Justice FITZGERALD.—Better prove it in the ordinary way.

Mr. *O'Brien.*—I'll read it when I come to speak.

Mr. *Curran* (to witness).—Who was in the chair on that occasion?—The Rev. Mr. Flavan.

I believe he is administrator of Clonmel?—I really don't know.

Did he make a lengthened speech?—I have merely a page of him.

Let me see a copy of it. (Document handed to Counsel).

The *Attorney-General.*—Ask him to read it; it is the shortest way.

Mr. *Curran.*—I want to see it myself—(to witness) read his speech?—(*Witness* reads)—"Mr. Mayor, men of Clonmel, men of the county of Tipperary and Waterford, my first duty to-day is to thank you for the high and distinguished honour conferred on me in placing me at the head of this meeting (cheers.) A meeting so grand, so magnificent, so respectable, so imposing, not alone in its numbers and thousands beyond counting, not alone in comprising it its ranks men of wealth and position, and talent and ability, not alone in showing forth the indestructible union of priests and people in the cause (cheers), but above all, and beyond all, and before all in comprising in its ranks the finest peasantry in the world—the stalwart sons of gallant Tipperary (cheers.) I need not tell you of the object of this meeting. It has been written on the walls of the town, so that he who runs may read. It is to join your voice with the voice of all the rest of Ireland in demanding that a radical and thorough change be made and effected in the iniquitous system of our land laws,—a system that has been the cause and the foundation and the root of all the misery and poverty and distress and crime that ever spread over this land of ours (cheers),—a system that has driven and is driving thousands of the bright sons and fair daughters of Erin across the Atlantic waves year after year to work for a livelihood denied them in this their country,—a system that has been a rock of scandal, a shame and disgrace to our rulers, and made Ireland a by-word in the face of all the nations of the world (cheers.) Let your voice be heard in clear and loud and unmistakable notes, to ring out from the centre to the sea, not only on the fair head of Armagh, but Antrim to Cape Clear,—let it echo across the Atlantic waves, and be borne through the great cities along the banks of Missouri,—so that tens of thousands of your flesh and blood will take up the ringing voice of the premier county of Ireland to-day, and demand in the name Heaven that there be an end put to this legalised plunder of bad renting and bad landlordism."

Now go to page 3, line 29, and read from the words "Now let justice, so long denied"?—(*Witness* reads)—"Let justice, so long denied

to Ireland, be done against oppression and tyranny and injustice, so that peace and prosperity and happiness may smile once more over the face of the land, and Irishmen may be allowed to tread the land that bore them, to have their green flag flying over them, and rackrents for ever closed behind them. I have one favour to ask yon: that no unguarded expression or word, no violent or inflammatory language, be used at this grand magnificent demonstration to-day. You promise me that. ('Yes.') If any man should be in the crowd, should dare to raise his voice to bring a tarnish on these banners, you will catch him by the collar and turn him out. Ireland will not have the man who is capable of committing the smallest violation of the law of God and man. You are Christians and Catholics. Let nothing tarnish that faith. Let your land be united in determination, and act as one. With a long pull, a strong pull, and a pull all together, we will win our cause (cheers)."

Mr. *Dillon.*—Did Mr. Mooney propose a resolution at that meeting?—Mr. Mooney?

Yes. Look at page 22?—I'll look and see. He did.

Kindly read that resolution?—I cannot. I only took part of it. I don't profess to be able to take down what was read.

Well read what you have of it?—(*Witness* reads)—"Rev. Mr. Mooney, moved.—'Resolved, that as nothing stimulates the industry of farmers so effectually as the hope of becoming the owners of their homesteads,'" &c.

Mr. *Molloy*—Turn to Mr. Dillon's speech on page 19, and read from line 28?—(*Witness* reads)—"Those are the useful duties we found Irish landlords at. And let me say now, I would ask you not to listen to a man who asks you to make a compromise with landlordism. Believe me, as long as you have landlords among you, so long will the farmer get no justice. You may be juggled by the Land Bill that will promise you three F.'s or fifty F.'s, but you will find the landlords have longer purses than you have, that the landlords are better judges than you are; and you will find if you make any compromise with landlordism—you will find yourselves in two or three years as badly off as ever you were. Men tell you the right thing to stem the trouble of the Irish tenants is the three F.'s: Fixity of tenure, free soil, and fair rents. But they have had the three F.'s in the province of Ulster for the last thirty years. What is the result? The Ulster men repudiated the three F.'s. They tell me three F.'s mean rackrent secured to the landlords, because when it comes to be a question what a fair rent is the landlord manages to fix his idea of a fair rent, and defeat the tenant. The result has been in Ulster the rents have been shoved up to a higher figure than in Tipperary, and there are parts of Ulster rack-rented. Now, when people tell you the Ulster custom will remove the grievance, tell them to go and ask the Ulster men, and they will tell you the Ulster custom does not protect them against rack-renting in the least degree, and they are sick of it (a voice—'Bravo'). We must have done with compromise and with the chicanery of the law, and take our stand on the platform of the Land League; and that was that every man now in possession of a farm shall have the opportunity of becoming the owner of it if he likes (cheers). And the man who is so much in love with landlordism that he cannot bear to part with it, we will give him the opportunity of remaining under his landlord as long as he likes (cheers)."

That will do there. Now, did you attend the Bawnboy meeting on the 30th October?—Yes.

Did you report that meeting?—I did.

Did Mr. Biggar make a speech there?—He did.

Turn to page 4, line 42, and read from the words, "In this country"?—(*Witness* reads)—"In this country certain members of the tenant-farmer class are the worst enemies of themselves. They act on the pernicious system of playing into the hands of the landlords by giving extortionate rents (a voice—'Down with them'). And by taking land from which tenants have been evicted because they would not or could not pay dishonest rents which the landlords tried to extort from them. Now, I will tell you one case which took place with regard to land in county Leitrim, not far from here. The tenant had a controversy with the landlord or his agent. The people in the neighbourhood exercised their influence on the public opinion in the neighbourhood, and they resolved they would not assist in the cutting of the hay and putting in the hay on a particular farm on this landlord's property. What was the result? This landlord lived in county Cavan. (A voice—'Down with him.') "This landlord misled his neighbours as to his real character and as to the facts of the case with regard to this controversy in county Leitrim, and my friends of Cavan very injudiciously went and assisted the landlord in removing the hay from the land." (A voice—'We are sorry for them.') "Now, what should have occurred with regard to that land? The grass should have been left on the land ('hear, hear.') Any tenant-farmer or any labourer who assists to take the grass from any land from which the occupying tenant has been evicted, or in any case in which the landlord has acted unfairly towards the land, is a curse to the country in which he lives, and entitled to the reprobation of every one who knows him." (A voice—'Down with him.') "What is the difference with regard to a case I was told of this morning? In Belturbet no one could be got to bring the crop off the land to be sold in the market. We know that in Limerick a similar case occurred where a man brought his crop to the market and not a person could buy it, and he had to take the crop home again. If this principle of action was carried out by the people in different districts the result would be, forcing up rents not only against yourselves, but your neighbours would be put an end to, and nothing but a fair and reasonable rent would be had by any landlord. If instead of being as at present in a disorganised state, which you are in county Cavan, if you had a branch of the Land League in the district to which I have referred, as soon as our friends in county Leitrim had pointed out the facts of the case, the League in Dublin would have allowed the people in county Cavan to know the conduct of this landlord, and the result would have been instead of having his hay carried into the country by volunteers, it would now have been rotting in county Leitrim, and he would have derived no benefit whatever (cheers). This landlord got an unfair and dishonest triumph over the people of county Leitrim, and the people who supported him in county Cavan were the parties to blame for that conduct; and I say, if branches of the Land League spread in every townland in this county, these cases would be impossible; and if you had a proper organization of the Land League you would be in a position to say—The rents on this property are too high; we will not give more than the Government valuation for this land; and the result would be, each landlord would be forced to come to the terms which you would suggest, that they would take a fair and reasonable rent, and no more; and this is only the principle carried out in England. In particular mines and mills they combine and say, 'The wages offered are too low; we insist that we shall get so much in advance;' and in the majority of the cases the occupiers or employers have to

submit to the terms imposed by the employees. The employees always succeed when it turns out they were right on the facts; the facts at issue being whether or not the employer was offering fair and reasonable wages. If the employer was offering fair and reasonable wages he will succeed, because no employer can afford to give more than is fair and reasonable, because in the end he would have to give up. You are not organized; you have been tyrannised over by the landlords. The result is that each and many of you on many properties and many estates are giving an extra rent, and you are suffering poverty instead of being in comfort, as you should have been, and comfort for your neighbours. Now I do not know I need say more on this question, except to press on you to organize yourselves. [A voice: 'We will' (cheers).] Organize yourselves as one man. Do not let one district say: We will support an independent landlord against the people. (A voice: 'Down with them.') Let each man fight for his class. Your class are the cultivators of the soil. You produce the wealth of the country, and you are the only class that deserve any *bonâ fide* consideration. The other men are drones; a curse to the community. (A voice: 'Down with them.') They ought to be driven out, not at the point of the bayonet, but be bought out and live in Cheltenham or similar towns—(interruption);—and cease to be a curse to this unfortunate land of ours (cheers)."

That will do. Did Mr. Patrick Brady make a speech?—He did.

Turn to his speech at page 8, and read from line 9—"The landlord and agent"?—(*Witness* reads)—"The landlord and agent—('Down with them,' and interruption)—must have their pound of flesh. God never intended this land of ours for a few lazy, idle aristocrats. He intended the land for the benefit of the dwellers therein, and I say He intended Ireland for the Irish. Therefore you must band yourselves like men for the remission of your plundered rights (cheers). The land God gave you to live, and you must earn your bread by the sweat of your brow; and the land thief says, except you support him and his body-guard in luxury and starve yourselves, you have no claim to this land (laughter). I say you must tell the land thieves that this land of ours is worth fighting for; and it is better to die fighting than to die starving (cheers). Why, then, slumber any longer, men of Cavan, to be slaves to such tyranny?" (A Voice, "No, no.") "You know your rights; will you not nobly assert them? (A Voice, "Yes.") Let organisation be carried out." (A Voice, "Yes.") I have very little faith in agitation or speech-making except it is accompanied by organisation. You must concentrate your energies openly, fearlessly, and above board. Let the organisation be carried on within the limits of the constitution. Let every man enrol himself in the Land League, which has saved many from the jaws of famine (interruption). My heart fills with emotion when I look on your manly faces; and as I can see the fire of patriotism flashing from your eyes, something speaks within my soul that nationality lives among you (cheers). It has outlived seven centuries of a violent persecution, and it burns as intensely to-day in your Irish breasts as it did when your forefathers fought at Clontarf, and it will continue to burn in spite of land sharks or land-grabbers or under-secretaries—(cheers)—until Ireland is what God intended it to be, and what the Irish people should have. The tiller of the soil shall possess the land. Away with fixity of tenure! Such legislation is already exploded. Fixity of tenure means fixity of landlordism and fixity of degradation (cheers). Before I retire I will ask you to give a cheer for a good and patriotic priest who is in your midst;

one of those Irish national priests which Mr. Sullivan, our national poet—(cheers for Sullivan)—has so beautifully illustrated in his national poetry (cheers)."

Did Mr. P. J. Sheridan, one of the traversers, make a speech?—He did.

Turn to page 9, line 23, and read?—(*Witness* reads)—"Mr. Brady has made reference to fixity of tenure, free sale, and fair rents, and properly remarked it only signifies fixity of landlordism. Landlordism! The Irishman who can receive the utterance of it without emotion must be dead indeed. What is it like? Your little ones in rags. What is it like? Your wives eating the bread of charity out of the length and breadth of the land. What has filled your poorhouses and workhouses with the noblest specimens of God's creation? What has left a whitened track across the Atlantic with the bones of your kith and kin. Is it not landlordism? (A Voice: 'Nothing else—Away with it.')"

Now turn to page 11, line 22, "If perchance any man."—(*Witness* reads)—"If perchance any man among you should forget himself as to go and bid for the holding of his neighbour, or take possession of it (a voice—'Never'). If anyone among you should do it, I will tell you how I wish to see you treat him. I do not want you to commit a breach of the law by assaulting him or hurting him; by that means you serve the cause of your enemy than your own cause. I want you to bring down the force of public opinion upon him (a voice—'Bravo'). If you see him at church or chapel, fair or market, pass him; hate him. Let him be a thing of loathing, a leper so unclean as not to be fit to be touched or associated with by any of his fellow men. If he has cattle to sell, let no man bid for them; or cattle to buy, tell the unclean wretch to move away from you (laughter). If he has potatoes to dig, or stubble to dig, or corn to cut, or anything else, let him go out and do it himself (laughter). If he has a shop, and offers goods for sale, let no man who has respect for God or country leave a penny in the house (cheers and laughter). Let him eat his stock in trade; when that is done let him go away (laughter). By these means you will do infinitely more good than if you went out and committed a breach of the law. I would exhort you to keep within the lines of the law. No such thing as burning hay or straw, or houghing, or anything else repugnant to civilized humanity; so that any man who commits a wrong is fit to receive the contumely and indignation of the people. Just as well may I try to stem the onward tide as stem the tide of public opinion. Sweep him away until he is cast in the slums or alleys, out of which he should never have moved one pace. In addition to that, I would only repeat the exhortation given by your worthy and esteemed member, Mr. Biggar."

Cross-examined by Mr. *Walker*.

Turn to the speech of Mr. Biggar, and read at line 13, on page 3, "However, I am prepared"?—(*Witness* reads)—"However, I am prepared to argue this reform, as proposed by the Land League, is the best that can be proposed. It is liable to fewer objections than any other system that I have heard proposed, and for that reason I ask the Irish tenant-farmers unanimously to go in support of that reform which is recommended by the Land League at the present time. Now, the proposition that the Land League lays down is that the occupier of the soil and the man who cultivates the soil and raises the crops from it should be the owner of that soil (cheers). That, my friends, is a very

simple proposition, but the Land League does not lay down the principle that you are to get this land without giving anything in return for it (hear, hear). They say a class of men called landlords, who, of course, we know very well, in the majority of cases, have got the land by fraud and violence; we know the present landlords or the predecessors in title have got the lands by fraud and violence, and that they have no just rights; but they have what is called a vested interest; that is, they and their predecessors have been in the habit of levying a tribute from the occupier in a shape called rent; and it is not considered desirable, from the landlords point of view, that a revolution should take place, or that the land should be taken from them without getting fair and reasonable compensation in return for that which they have been for some time past in possession of. (Then there is an interruption.) The question arises, on what basis are you going to value the present interest of these landlords? Some people say that you must compensate them on the basis of the rent which they have been charging the tenant in time past. Now, in some cases that would not be so very unfair a proposition, because we know in some cases the landlords are not extortionate. In many cases they are not extortionate and they charge less than the Government valuation; in those cases we do not mean to say that the rent which they now charge would be an unfair basis. But we know that in a great many cases the landlords are charging not only the Government valuation, but a great deal beyond the Government valuation, and any sum of money claimed in the shape of rent by the landlords beyond the Government valuation is *bona fide* clear and simple extortion and robbery."

Turn to the next page, at line 11 "Gentlemen, we, in point of fact"?—(*Witness* reads)—"We, in point of fact, as representatives of the Land League, wish to deal with these men on very liberal terms, and I think they are great fools if they do not accept the terms offered by my friend Mr. Parnell, and thus get the land question settled on such a basis. If you take the Government valuation as the basis of a fair value, what is proposed is this: for the Government to buy out the landlord at 18 or 20 years' purchase on this Government valuation, paying him in bonds, paying 3 per cent interest. The landlord would then be certain of payment by the State at a rate of interest paying 3 per cent. If he did not like the rate of interest he would be at liberty to sell this Government stock, for which he would get about par, and put it into other security which would promise him better security or a higher rate of interest. In that way the landlord would be settled with on liberal and fair terms. What it is proposed to do is to give the occupying tenants these holdings, he paying 4½ per cent. for a limited number of years on the sum paid by the Government to the landlord; the 3 per cent would repay the Government for what they had paid to the landlords, and the remaining 1½ per cent. as a sinking fund; so that at the end of a limited number of years the present tenant or successor would become the owner of the land, having paid in full the full value of their holding (cheers.")

Cross-examined by Mr. *M'Laughlin.*

Was there a gentleman named Jordan at that meeting?—Yes.

Did he make a speech?—He did.

Have you a report of it?—I have. There are four closely printed pages of it.

Mr. *M'Laughlin.*—Perhaps it would be better to get strengthened with some refreshments before you commence to read it.

Mr. Justice FITZGERALD.—Do you propose to ask him to read the whole of it?

Mr. *M'Laughlin.*—I'm afraid I'll have to ask him to read a considerable portion of it.

The Court then adjourned for half an hour.

On resuming, Mr. Justice FITZGERALD said—You were going to read some passages out of Mr. Jordan's speech.

Mr. *M'Laughlin.* — If your lordship pleases. (To witness)—May I trouble you to read the first and last paragraphs of the speech of Mr. Jordan?—(*Witness* reads)—"Mr. Chairman and gentlemen, I was beginning to think a little while ago you would scarcely listen after hearing my friends Mr. Sheridan and Mr. Biggar, to a more moderate man in some respects than they are, but if you are prepared to listen to me, who is not prepared probably after all to go as far in some respects as some of my friends, I will be exceedingly obliged to you, and I shall try to be as cogent and clear in my observations as I possibly can. About a week or ten days ago I attended a tenant-right meeting at a place called Clabby, in Fermanagh, and at that meeting this occurred—The meeting was addressed by five tenant-farmers, not professional agitators, as I am called and others like me; five tenant-farmers, the ordinary class of farmers like yourselves, who used to be afraid to open their mouths for fear of the agent and the landlord. Every one of those five (do not be offended at what I am going to say) was a Protestant and an Orangeman (cheers and laughter). And yet those five Fermanagh farmers, Protestants and Orangemen, denounced the tyranny of rackrents worse than I ever heard them denounced at a Land League meeting. Of course, they made their obeisance and loyalty to the Queen and Crown, and Constitution, and having done that—fare you well—they galloped off like any Land Leaguer. One of them quoted from Dean Swift (we all know who he was), that in his day the rent of Ireland was a million and a half, and in the present day the rent of Ireland is about fifteen millions. (Oh)."

Were there many present at that meeting?—About five thousand tenant-farmers.

Now go to the last paragraph on page 17—"And you are sure to succeed"?

Witness.—"And you are sure to succeed———"

Mr. *M'Laughlin.*—I hope so.

Witness (reads)—"And you are sure to succeed. Come in a right cause, with justice on your side, and with combination in lawful and constitutional assemblies. You have as good a right to assemble here and discuss this matter, with the heavens above you, as the House of Commons has to meet in the House of Commons, to meet in London. But stand together like men, and constitutionally and legally continue the powerful agitation until ultimately you shall obtain what is fair and right, and no power can withstand you (cheers)."

Cross-examined by Mr. *Curran.*

Did Dean M'Govern make a speech there?—Yes; the Rev. Terence M'Govern did.

I suppose that is the same gentleman; kindly refer to his speech. It is not a very long one, and I'll ask you to read it?—It is not long.

Very well—read it now in your best form?—(*Witness* reads)—"I have a few words to say to you. I admired the speech of the chairman,

who congratulated you and lauded you for taking such an active part in this land agitation (cheers). Perhaps he might have added the priests to that; for I may say, and I tell you, that there would be no Land League meeting here to-day, only that they had my permission (cheers). I may tell you, and tell those from other quarters, that the priests and people of this parish are well and thoroughly united; that there is no difference of feeling or opinion among them; wherever they are I am, and wherever I am they are (cheers). Having said so much on that point, I see a very large crowd and very large numbers here. What brought you here? I would ask you, and I will answer for you—from Glengillen and Ballyconnell, I will answer for you. To look for fair play (cheers). Is there anything communistic or dangerous to society by looking for fair play. ('No.') The man who would refuse fair play between man and man is an enemy to the public and to the community (cheers). What fair play are you looking for. I would ask you, what fair play do you want on this day? That you may get the power and obtain a law, sanctioned by the Legislature, that will break down the rackrents under which you groan (cheers). You cannot live. I am in this parish for the last thirty years, and I can safely declare here publicly that I believe half the people are living in a state of starvation. The farmer who is screwed up is not able to clothe his little ones. ('No.') And Bishop Berkeley, a great Protestant Divine, what did he say? There is nothing sectarian in our movement. This bishop travelled over the whole world, and he said, on the face of the earth there were no people so bad, so naked, as the poor Irish."

A voice: "Three cheers for Bishop Berkeley."

Mr. M'Govern: "What did he attribute all this poverty to? He attributed it entirely to the power of landlordism in the country. He said they were a curse on the country: taking away the sweat that belonged to the poor. We will unite our voice in Bawnboy for every man working for the good of our country, and, above all, we will stick to our noble representative Joseph Biggar (cheers). He is really the true man (hear, hear). He is the staunchest man; the man who never turns his back to the flag of Ireland. He is a man that, as long as there is a breath in his body, will always represent the county of Cavan. He is one of the men to break down the power of landlordism. What are they doing? After whining and crying in the Castle to the Lord Lieutenant that their lives were in danger, that they could not travel the high road, which they could do as safely as I could, if they were fair and honest men (cheers)—they are beginning to curse the weather (laughter). They cursed last year it was wet; they are cursing this year it is a dry season, because the Land League is in full swing (cheers). They are beginning to fight with the elements now. The Land Leaguers they can drive from parish to parish and county to county, but by a vigorous, determined, resolute agitation we shall be able to extort our rights from them, and bring them to the level that they shall not indulge in the sweat of your brow, which is contrary to the law of God, which says, 'every man shall live by the sweat of his brow.' You are not living by the sweat of your brow; you are supporting others. Let us be true to the green hills that smile around us, and, God forbid, I hope the day will never come you will turn your backs to those green hills. I hope the day will never come you will have yourselves and little ones to fly away from the hills. Beat away the rack-rents, you will have peace, contentment, and prosperity, and die content, because you struck a blow to liberate poor Ireland and the farmers of this county from a great oppression under which they are groaning (cheers). There are a great

many here to-day, and, as parish priest, I advise you to go home like men, and let the powers outside know you can go home like men, and you are determined to contend manfully and constitutionally for your rights (cheers)."

Did Mr. James Bryan propose a resolution at that meeting?—I have got Charles O'Byrne, but I have no James Byrne, or Bryan.

Immediately after the speech of Dean M'Govern?—I have not got it.

Well, have you got the resolution?—After Dean M'Govern I have got Mr. Biggar.

Mr. Justice FITZGERALD.—Charles O'Byrne is the name, I suppose?

Mr. *Curran.*—Have you got a resolution commencing with these words—"That we regard with abhorrence the deeds of violence going on in England"?—No.

Did Mr. Baxter move a resolution?—He did.

Will you swear that you have not got the resolution commencing with the words I have read?—I have not.

Was there any resolution proposed with respect to crime in England?—I can't tell you.

Mr. *M'Laughlin.*—Perhaps it is hardly fair to ask you, having regard to your nationality.

Witness.—If I had heard it I would have no hesitation in stating it.

Mr. *Molloy.*—You were at the Rosscahill meeting, on the 14th November?—I was.

Did Mr. Brennan, one of the traversers, make a speech at that meeting?—He did.

Turn to page , and read from line 5?—(*Witness* reads)—"The landlords think they are very badly off if they do not get enough of champagne, but they never think of you whose sweat draws forth all the fruits of the earth, whether you have enough of Indian meal. Some of the landlords, I believe, are in a bad state enough, they are finding it very hard to live, if they are let them go and work as you are working, let them till the soil that they call theirs, and then perhaps we will be prepared to recognize that they have established some claim to its ownership. The landlords are beginning to feel that there is a check to their headlong career, and if there is any justice on this side of the grave they will be made to feel the weight of all their crimes. The blood of the murdered millions of our race cries to Heaven for vengeance (cheers). As I think to-day upon what landlordism has done, of the homes it has laid desolate, of the hearts it has broken, and the souls it has damned, where are the many poor innocent Irish girls, once the light and pride of happy homes, which it has driven to a life of sin? (hear, hear). And this is the institution in defence of which some ministers of religion are found to raise their voice. When I think of these things I ask myself and I ask you what compensation are Irish landlords entitled to?' (A voice: "Nothing.")

"Mr. Thomas Brennan—When I advocate the programme of the Land League, and ask you to adopt it, I do injustice to my own feelings, for I believe the compensation most Irish landlords would be entitled to would be a prison or a rope (cheers) for having robbed or murdered the Irish people. The hope of this movement now lies in the combination of the people; you have acted loyally by each other up to this; act in the same way in the future and no power can keep you down. Great meetings like this can be instrumental for good or evil. If they teach the people their rights, and show them how they can organize for the protection of them they will be productive of good; but if they leave

nothing but brawling inanity behind them it would be better they never were held. You must organize. 'Organize' must now be your battle cry. Let every man at this meeting to-day consider himself a recruiting sergeant (cheers) in the army of redemption, and see that every man in the country who lives by honest labour is pressed into the service (cheers). In prosecuting your work act like men. Be like men who are worthy of freedom. Do not crouch down to the landlord, the agent, or any other man in the community. Meet every man as your equal, be respectful to him if he is respectful to you—

> "For they talk us down and walk us down with shouts at their command,
> But the yell of our defiance not a tyrant can withstand.

(cheers)."

Mr. *O'Brien.*—The Rev. Mr. Coyne made a speech?—He did; he was the chairman.

Just read that speech. Is it very long?—Well, it is two pages and a half of print—"Fellow-countrymen, I thank you sincerely for the distinguished honour you have conferred upon me by asking me to preside over this vast and important meeting"——

Well, I find the speech is very long. Just go towards the end where you find the word Moycullen?—Yes, I recollect the reference to Moycullen.

"I will merely read to you the statistics of one property alone out of many in this barony of Moycullen. This property that I refer to, the rental of it has been raised within the last ten years, and I will read for you the several townlands, and the amounts which each townland has been increased. One townland, the rental of which was in 1870 £57 7*s.* 6*d.*, is now increased to the enormous amount of £130 3*s.* 2*d.* ('Oh, oh'). I am only beginning yet (laughter). The second townland on that property, whose rental in 1870 was £57 7*s.*, has been raised to the tremendous amount of £133 (Oh'). A voice—'Down with them.' The Chairman—Another townland on the same property (I am reading the townlands on the one property alone), the rental of which at the same period was £28 10*s.* 6*d.*, has been raised to £65 (groans). Another townland on the same property, the rental of which was £28 7*s.* 5*d.*, has been raised to £62; and, finally, another townland on the same property, the rent of which was £48, has been raised to £98 10*s.*"

Mr. *O'Brien.*—Now, I think that will do.

Mr. Justice FITZGERALD.—What meeting do you go to now?

The *Attorney-General.*—On the part of the crown, we are practically prepared to close, my lord. There is one witness who should have been here this morning, but who telegraphed to us that he missed the train, or was unable to start last night. But his examination will not take more than five minutes. I understand my learned friends on the other side do not desire to be forced on to-day, and perhaps your lordship would allow us to adjourn now—giving us the opportunity of examining the remaining witness.

Mr. *Walker.*—On behalf of the traversers, I should ask your lordships for a little further indulgence. Mr. Macdonogh, whose absence in this case, so far as regards the statement of it, we should all deplore—I myself personally, extremely, if I were obliged to stand here in his place—is unfortunately not very well. I had the advantage of seeing him this morning, and of course if the case were forced on to-morrow he would come down—I am sure he would—but I would prefer, for his sake and for the sake of the case, that your lordships would grant us the further indulgence of giving us a clear day to-morrow. If anything

should then happen to prevent Mr. Macdonogh coming down, of course I shall be prepared to state the case on behalf of the traversers.

Mr. Justice FITZGERALD.—We have observed in the course of the case the watchful care of Mr. Macdonogh during the earlier days of the trial. Nothing escaped him for the benefit of his clients, and we think it would be unfair to deprive his clients of his ability and experience. I know he is ill, that he is not remaining away for preparation; but that it is through infirmity of health he is not here, and we willingly accede to your application that he shall have to-morrow for a day of rest, and we will resume this trial on Thursday morning at 11 o'clock, when this witness on his way may be examined.

The *Attorney-General.*—We may not even examine him.

Mr. Justice FITZGERALD.—I suppose, gentlemen of the jury, you will not object. I think you will see the necessity and justice of it.

The Court then adjourned.

TWELFTH DAY—THURSDAY, JANUARY 13, 1881.

The Court sat at 10 minutes past 11 o'clock.

Mr. Justice FITZGERALD, who held a memorial in his hand, addressing the jury, said:—We have received and considered a memorial that has come from your body unanimously to the Bench, and we feel indeed very much for you. You are placed in a most disagreeable position with highly responsible duties. I happen to know some of you to represent large mercantile establishments, and we feel the great inconvenience and expense you are put to, and if we could we would comply with the memorial you have addressed to us. But my Brother and I have considered the case carefully, and it is quite beyond our jurisdiction or power to make any order upon the memorial, nor do we feel it open to us even to make any recommendation; such a recommendation would be wholly unprecedented in a case where we are trying parties for an alleged crime. We regret very much that that is the answer we have to give.

The following is the Memorial referred to above:—

"To the Right Honorable J. D. FITZGERALD and the Right Honorable CHARLES R. BARRY.

"My Lords,—We, the Jurymen engaged on the present State Trial which has all the appearance of being very protracted, most respectfully beg to apply to your lordships, to recommend to those who have the power to grant us a fair remuneration: our time being taken up, as your lordships can fully understand, at considerable pecuniary loss to our commercial pursuits. At the same time, we are most thankful, and fully appreciate that kindness, which has prompted your lordships to curtail the hours each day, that we have some time left to attend to our several callings after we leave the Court, and consequently perform a portion of the work absolutely necessary to the safe conduct of our several avocations. And we most respectfully pray your lordships' kind consideration of this our united application. And we beg to subscribe ourselves your lordships' obedient servants,

"J. J. CORCORAN,

"Foreman."

Mr. WALTER LYNDEN BELL sworn, and examined by Sergeant *Heron*.

Mr. Bell, were you formerly a reporter for the *Daily Express*?—I was.

I believe you are a graduate of Trinity College, Dublin?—I am.

And you are now on the staff of the *Daily Telegraph* for reporting for the House of Commons, and studying for the English Bar?—I am, sir.

I may ask you have you had experience and practice in shorthand writing?—I have.

Did you, when a reporter for the *Daily Express*, attend meetings of the Land League held in the office, 62, Lower Abbey-street?—I did.

Sergeant *Heron* (to the Clerk of the Crown).—Now will you hand to the witness the original transcript produced by Mr. Robinson of the *Daily Express*, and lodged with you?—(Manuscripts handed to witness.)

Sergeant *Heron* (to witness).—Now, did you attend, on the 10th of August, 1880, a meeting of the Land League held at 62, Lower Abbey-street?—I cannot state the dates on which I attended.

Look at the *Daily Express*—you reported for the *Daily Express*. The manuscript you hold in your hand corresponds with a report published in the issue of the 11th August?—Yes; it appears I attended a meeting on August the 10th of the Land League.

Now, did you take down a report of that meeting in shorthand?—I did.

And did you transcribe, or copy, that shorthand for the purpose of publication?—Yes.

And is that (manuscript produced) the original transcript?—Yes; this is the original transcript.

From which this (report in the *Daily Express*) was published?—Apparently yes. I have not compared the two, you know.

Now, I am obliged to ask you was that accurately reported and transcribed ——

Mr. *Walker*.—Have you got your notes?

Sergeant *Heron*.—No; these notes, after you make the transcript, you never keep. Isn't that so?—Never. I have not a single note I took a week ago.

Mr. *O'Brien*.—He says it appears he was there. Is he able to swear he was there?

Mr. *Walker*.—Are you able to swear from your own knowledge that you were there on the 10th of August?

The *Witness*.—I want to know who is examining me?

Mr. *Walker*.—I am for the present asking you a question, and please answer it ——

Sergeant *Heron*.—No. Pardon me; I am examining the witness.

Mr. Justice FITZGERALD.—The witness was quite right in asking the question, for at that particular time there were three on at once.

Sergeant *Heron*.—Quite so, my lord; it was irregular. (To witness)—You say you made that transcript (the manuscript produced), from your notes?—Yes.

Was that made on the day, or the day immediately after?—It was made on the day on which the proceedings occurred.

And was it made for the purpose of being published in the *Daily Express*?—It was.

And looking at the *Daily Express* of the 11th of August, do you see that it was published on that issue—just compare the first few lines?—Yes.

Now, I ask you, looking at the *Daily Express* and your own original note made on that day, were you in the Land League offices on the 10th of August, 1880?—Yes. I am prepared to swear that I was.

Now, did you report the meeting accurately?—As accurately as I could.

Very well, I will now ask you to read from your original transcript—which is very short—the whole report of that meeting?—(*Witness* reads)—"The Land League.—A meeting of the Land League was held yesterday afternoon in the offices, Lower Abbey-street. Mr. Peter Daly presided. About twelve or fourteen members were present. Mr. Egan, hon. treasurer, announced that since the last meeting there had been received on behalf of the Relief Fund, £125 0*s*. 5*d*.; and on behalf of the Land League Fund, £111 1*s*. 9*d*. The total amount received by the Land League towards the Relief Fund was £53,277 18*s*. 9*d*. Grants already made for food and clothes and seed amounted to £47,462 0*s*. 4*d*.,

leaving £10,815, of which £10,000 had been set apart for relieving the families of evicted tenants. After some discussion, it was resolved to distribute the remaining £815 to assist ordinary cases of distress that might arise. Mr. Brennan said, Mr. Sullivan, at the last meeting, had suggested the collection of evidence of landlord oppression. They had several cases of this nature communicated to the League since the last meeting. A man named Patrick Hamerton had been evicted on the property of Mr. J. J. Levingston, near Lurgan, although he only owed a year and a-half's rent, and he had promised to pay the whole two years' rent in October if he was allowed to gather the crops. A tenant named M'Kenna, on the estate of Lord Rossmore, who had paid £50 on getting into possession, had been evicted. At the trial of the case the agent promised to induce the landlord to refund this amount, but when the application was made to the landlord he offered M'Kenna £2, and a ticket for America value for £6 11*s*. He had obtained a legal opinion that he could recover this £50, and asked for assistance to support him while fighting the battle out. £3 was voted to him. Mr. Brennan mentioned that there had been further instances of the tearing down of placards. At Rathangan, in the county Kildare, a Police Sergeant Doyle pulled a placard down. The placard was headed "The Land and the People," and announced that a monster meeting would be held on the 15th August, at Kildare "to further the interests of the Land movement, to denounce feudal landlordism and oppression, to unite the tenant farmers and tillers of the soil in a legitimate combination against intimidation, rack-renting, and land grabbing; above all to revive and diffuse among our countrymen the spirit of Irish nationality. God save the people." Mr. Boyton said the Duke of Leinster, by a system of terrorism only known to those who lived in Kildare, was endeavouring to suppress this meeting. A discussion took place as to the advisability of taking legal proceedings by criminal information, and ultimately it was decided that the honorary secretaries should investigate the circumstances of this case and be authorized to take legal proceedings if they thought if desirable. Mr. Brennan read communications from other evicted tenants asking for assistance. Some of these tenants had gone back into their holdings as caretakers, and Mr. Brennan expressed a doubt whether such persons were entitled to assistance from the fund of £10,000 set apart to assist evicted families. Mr. Kettle thought that caretakers should not benefit from this fund, for if they did it would be playing into the hands of the landlords. One object of this fund was to encamp the evicted families in sight of their lands, and to keep them there, so as to prevent by the influence of their presence anyone from taking the lands or working on the lands from which they had been evicted. When the tenants went back as caretakers they did not assume an attitude of strife or contention, and he did not think they should benefit by this fund. There was a combination for landlord monopoly, and there ought to be an industrial combination, and unless people assumed this attitude he did not think they should be assisted. Mr. T. D. Sullivan, M.P., agreed with Mr. Kettle that this system of going back as caretakers was very objectionable. Cases were often mentioned in the House of evicted tenants, and then it turned out they were still in possession as caretakers. Mr. Brennan said the branches of the Land League and the tenants throughout the country were only waiting to be directed in the matter. It was decided not to pass any formal resolution on the subject. An application was read for assistance towards building a pier at Dromore West. £350 had already been collected, and only £150 was

wanted to make up the contribution of one-third which the district had to procure. Mr. Egan proposed the following resolution :—"That the recent action of the English House of Lords in throwing out the Compensation for Disturbance Bill confirms us in the belief that the settlement of the Irish land question rests with the Irish people themselves. We therefore reiterate our call to the country to press forward the organization of the National Land League, to refuse to pay all unjust rents, to take no farm from which a tenant has been evicted, to buy no cattle, crops, or other property seized for rent, and to form generally industrial unions against landlord monopoly." He said the Bill was ridiculously inadequate, but that lumbering old machine—the House of Lords—threw it out. The member for Dungarvan, who had assumed the *role* of champion of religion, had come forward to fight the battle of the House of Lords. He appeared to have stepped into the shoes of the Chevalier O'Clery, and to have put on the mantle of Sir George Bowyer (laughter). It was really a great pity that Mr. O'Clery and Sir George Bowyer were not in the House now, and they might all have posed as the Three Graces (laughter)—champions of religion and morality, A friend of his (Mr. Egan) lately remarked to him that the Catholic Church was the only institution that could survive the advocacy of such men (laughter). He (Mr. Egan) was an exceedingly bad prophet if the future did not see the people of Dungarvan calling this hypocrite to account at the earliest opportunity. The resolution which he was proposing did not go so far as he would wish. He thought the time had come when the tenant farmers should enter into a strike against all rent pending the settlement of the land question. That was the only way to bring landlordism to its senses (hear, hear). They saw the rapid progress of the industrial classes throughout England and Ireland during the last twenty years by means of trades unions, and strikes against low wages, long hours, and other injustices. This question could thus be very soon settled. They should compel the landlords to collect their rents at the point of the bayonet, as they did the tithes years ago, and though the slaughter of Newtownbarry might be repeated, rent should in the end go down. The time was past for any settlement of the land question on the basis of fixity of tenure, free sale, and fair rents. The people had been taught, and they now understood that the land was their own, and they were determined to have it (hear, hear). They were, however, prepared to buy out their taskmasters if they met them fairly and struck the bargain in time. But he might paraphrase the words of O'Connell in reference to tithes, and say that the people of Ireland were determined to get rid of rent, and get rid of it they would (hear, hear). Mr. Kettle seconded the motion, and said under the advice of Mr. Parnell a scheme had been devised by which the people could become possessors of the soil without injustice to anyone; but they claimed the right of sweeping away the incubus of landlordism, a remnant of barbarism. He did not see why a set of idlers should stand between the tillers of the soil and the enjoyment of their own industry. They, therefore, claimed to buy off their taskmasters. Mr. T. D. Sullivan, M.P., expressed his approval of the resolution, and said the movement would fail, as previous movements failed, if it was confined to the west or any part of the country. Prosperous as well as poor tenants should all combine together, and then they would succeed. The resolution was adopted. After considering applications for assistance, and making certain grants, the meeting adjourned."

Now, Mr. Bell, I did not interrupt you while you were reading, but

—Mr. Brennan, who made a speech at that meeting, was he Mr. Brennan, one of the traversers?—Oh, yes, the treasurer.

The treasurer?—No, I should have said the secretary.

Quite right—Mr. Boyton who made the speech about the Duke of Leinster, was he Michael Boyton, one of the present traversers—Do you know him?—Yes, I know him—the American organizer, they call him.

Is he one of the traversers?—Yes.

Mr. Egan who proposed a resolution there—is he Mr. Egan, one of the traversers?—Yes.

And Mr. T. D. Sullivan, the member for Westmeath—is Mr. Sullivan one of the traversers?—Yes.

Did you, before and after this meeting on the 11th August, attend several meetings of the Land League?—Yes.

In 62 Middle Abbey-street?—Yes.

Did you see any other of the traversers—or what other gentlemen attended those meetings before and after the 11th August?

Mr. Justice FITZGERALD.—Is this at Abbey-street?

Sergeant *Heron.*—At Abbey-street, my lord—62 Abbey-street.

The *Witness.*—Well, I cannot say as to before or after, but I know I have seen there at some of the meetings I attended—Mr. Dillon, M.P., one of the traversers, Mr. Sexton, M.P., and, I think, one or two others of the traversers. But they are not so conspicuous, so I don't think I would remember them unless I saw them or had some aid to memory.

Did you ever see Mr. Sheridan or Mr. Walsh there?—I am not certain even as to Mr. Sheridan's identity.

Very well. Up to what time, Mr. Bell, did you report for the *Daily Express*—I mean report these meetings?—I was connected with the *Express* up to about two months ago, but I was out of town for a month or so before.

Mr. *Macdonogh.*—I have nothing to ask you, sir. You may retire.

Mr. Justice FITZGERALD.—Now, Mr. Attorney, I suppose you close?

The *Attorney-General.*—Yes, my lord, merely reading some documents. I am not sure how they were entered.

Mr. Justice FITZGERALD.—If Mr. Ross would make out a list it would be more convenient—a list of all the documents that have been read.

The *Attorney-General.*—Very well, my lord. But there is one document in proof, of which I would wish to read a few lines. It is "John Devoy's letter," and I only purpose reading the concluding paragraph——

Mr. Justice FITZGERALD.—I have not seen the Devoy letter at all yet.

[Printed copies of letter handed up to the Bench.]

The *Attorney-General.*—It is only a paragraph that I will take the liberty of reading, although, of course, we put in the entire letter.—"I consider this and similar assertions."—The assertion is that the people would become loyal to England, and oppose independence, if they were in more comfortable circumstances.—"I consider this and similar assertions the greatest slander on the Irish cause, for the cause which depends for ultimate success on the maintenance of grievances is lost by anticipation. The theory followed to its logical conclusion, amounts simply to this. In order that the Irish farmers and other classes of the Irish people may be induced to work for independence and continue to hate England, they must be kept in such misery that their services in the cause to independence will be of little use, and their hatred of England worthy only of contempt. In order to give us a chance

of obtaining independence, the country must be kept in such a condition as to be unable to exert the necessary strength to win it. I repudiate such advocacy of nationality, and contend that its best allies will be found in a sturdy, well-fed, well-clad, and comfortably-housed agricultural population, giving employment to a correspondingly comfortable class in the towns. Nationality has nothing but defeat before it while dependent on rags and misery for support. The best friend of the national cause, therefore, is the man who, while steadily adhering to his own principles, and working for them, does his best through the means at hand to lift his countrymen out of the slough of poverty, degradation, and despair. He is no friend of Ireland who, even for a fancied or temporary gain to the national cause, would suppress liberty of speech or interfere with the right of public meeting. Some gentlemen of rather Conservative tendencies, advocate a peasant proprietary, on the ground that it would tend to make the agricultural population Conservative. These gentlemen have just as good a right to believe that such a settlement of the land question would make fat, contented subjects of Queen Victoria of the Irish farmers, as I have to hope that, with increased prosperity and independence, they would become sturdier and more stiff-necked, and resent more strenuously than now the assumption by England of the right to rule Ireland. There is no reason why people of these conflicting views should not work together for an object which both believe to be good. Neither has any control over the future, nor has one the right to say to the other where his career of progress shall stop. For my part, I want to see Ireland placed in such a position that she can decide for herself whether such a connection with England shall continue or not. If she should decide against my wishes, I should have no more right to complain than the Conservative land reformer would have if her voice were raised for independence. And when men work together for a common object it is much easier to reconcile differences of opinion than when they are arrayed in opposing camps. The right, in all such cases, has the best chance.—Respectfully yours, JOHN DEVOY."

There is nothing else. I think the prominent placards were all entered as read, but we will have a list made out as your lordship suggests.

Mr. Justice FITZGERALD.—It will be convenient if Mr. Ross will hand in a list of all your documents to the Master of the Crown Office, and now you close.

The *Attorney-General.*—If your lordships please.

Mr. *Macdonogh* then proceeded to open the defendants' case. He said—May it please your lordships, gentlemen of the jury:—At length, after a toilsome sitting of twelve days, after having heard in a variety of ways the imputations against these gentlemen—persons who acted in the open light of day, and who are charged before you as conspirators—after all that, I rise to address you, and to state the grounds, the facts, and the circumstances which give me a title to your verdict. Gentlemen, I confess that I cannot commence this task without some feeling of emotion, when I reflect that in this very court of justice I stood side by side with Daniel O'Connell—standing there, and I his junior counsel. I cannot help feeling emotion when I think that not only he is gone, but that every one of the distinguished judges—four—are swept into the grave; the jury gone; the counsel who prosecuted vanished, and with very few exceptions I remain the solitary individual counsel who then defended O'Connell. Gentlemen, my position as junior counsel led me into rather a closer acquaintanship with him than I had before,

and I certainly experienced numerous opportunities of judging of his vast capacity, and his genial good-heartedness. He possessed a fund of humour which I never saw equalled—he was unrivalled as an advocate, and you will pardon me, perhaps, gentlemen—as I cannot throw *immortelles* on his grave—for one moment paying this humble tribute to his memory. Gentlemen, would that my usually very strong health existed now, so that I might do my duty to my own entire satisfaction? but, resolute in its discharge, I left my sick room for the purpose of endeavouring to defend the men who entrusted to my care their reputation and their liberty. Gentlemen, I have little to complain of in the opening of my learned friend the Attorney-General. He had, of course, as prosecutor, a stern duty to discharge, and I have no cause of complaint with reference to the manner in which he did discharge that duty. He has associated with him the most distinguished men, and I have to encounter the entire force of the Crown, aided and sustained by, of course, the Imperial Treasury of the country. Gentlemen of the jury, those gentlemen whom I represent—fourteen in number—are now charged before you with the crime of conspiracy. I was glad to hear the evidence of Mr. Bell to-day. I did not expect to have heard any further evidence, but I am glad to have heard that respectable gentleman, who gave his evidence with perfect accurateness. He describes to you that meeting of the Land League, the particulars of which he read, and what do they consist of? They proved one of the facts which I shall hereafter have to lay before you—they prove that, to a great extent, this Land League was a charitable organization, dealing out its resources to the Irish people. Then we have it stated that £48,000 was received, and £46,000 already expended; then an application made for the erection of a pier at Dromore. Gentlemen, you shall hear of that more fully; but the arrangement is this: the Treasury will advance a certain sum for such a purpose, provided public subscriptions aided also. And accordingly an official—and a very high and respectable official—one of the commissioners in relation to the fisheries of Ireland—made that application which I heard read and proved to-day, and upon which £450 was voted. So it appears by the paper which my learned friend, Sergeant Heron, was good enough to give me. £450 was voted for the purpose of the erection of that pier; and thus you find the Government and this much-maligned Land League building a pier for the fisheries of Ireland. I thank my learned friends. It was their love of truth that prompted them to put up that witness to-day—an ardent love of truth, which ever prevails in the breast of a public prosecutor.

Gentlemen, I think if I were to find fault, but I am not disposed to find fault with my learned and esteemed friend, who always does his duty very laboriously, very faithfully, and very well—if I could find fault with him at all, it would be for his endeavour to disparage my clients by taking them *seriatim*, and stating to you their various employments and business in life. He gave no proof of that; he made an attempt to prove something about Mr. Gordon, but it was only hearsay—the person had only heard it. Gentlemen, they are no such contemptible persons as those who instructed my learned friend would appear to suggest. As to that meeting proved to-day—the last of the series—it was, as you may have observed, a friendly discussion in reference to the state of the country, carried on openly, in the day, and you are expected to immolate those men and to convict them as conspirators—men who, in the open discharge of what they believed to be their duty, innocent of offence, as I hope to show the Court, in mutually exchanging their sentiments on that occasion in reference to the state of

their native country. But my learned friend said these men had nothing to do with land. Why, gentlemen, in the first place, he admitted Mr. Parnell has to do with land. Mr. Parnell is a gentleman by birth and education. He is young, as you may see. His ancestors have been distinguished. One was Chancellor of the Exchequer in an Irish Parliament—a very distinguished man. Another of the ancestors of Mr. Parnell was Lord Congleton, in England. He himself, educated in Cambridge, had a strong feeling and passion for his native country. I apprehend that that is not only excusable, but it deserves every species of praise. Well, gentlemen, others of the traversers are gentlemen concerned in commerce, engaged in trade, and pursuing honourably and uprightly the callings in life to which they belong. No doubt, gentlemen, one of them is fastened upon by my learned friend as belonging to that profession which he designated as "nothing," and that was Mr. Nally. Gentlemen, I rather think—I have never, of course, spoken to Mr. Nally, but I have seen him and watched his demeanour when he exchanged courtesies by bowing to the gentlemen of the jury—I saw the man and heard the evidence about him, and I think he and Stringer, the policeman, were just about the two most popular characters at all the meetings. As to Nally, he is a fine strong young fellow, and I rather think that he thinks more about a pretty lassie and a glass of whiskey toddy than he does about the British Constitution. But, gentlemen, Nally, before he spoke at the meetings, always hobnobbed with Stringer the policeman or another policeman. They drank together, they conversed together, and then the policeman took his notebook in hand and said, "Now, Nally, you are going to speak;" and when anything brilliant was going to be said by Nally the crowd shouted, "Put that down, Stringer." I never heard of such a scene in my life. You perceive, gentlemen, if they were dark conspirators—if there was a shadow of foundation for the application of this doctrine to a case of this description—if they were conspiring in the dark, why it is perfectly plain that the conduct of Nally and the conduct of Stringer, and the conduct of the other policemen thus associating together would lead one to have a suspicion of Nally. But there was not the slightest ground for any such belief. He was open and above board, and has not a single characteristic of that which we so much detest—conspirator. But, gentlemen, others of my clients are associated very largely, personally, and collectively and relatively, to persons who hold lands in Ireland to a very large extent. But it is a strange proposition to say that you are not to interest yourselves in the affairs of your country unless you happen to belong to a particular class. Gentlemen, five of the traversers before you are Members of Parliament. One, selected by three of the highest constituencies, and most extensive constituencies in Ireland, Mr. Parnell, elected for two counties and for the great city of Cork, elected to sit for Cork. The other gentlemen, Members of Parliament, are connected with various counties in Ireland—Westmeath, Cavan, and various others I need not particularise; and surely they have the deepest interest in the welfare of their country. They require no possession of landed property in order to give them that interest; for it lies not in the lips of a Crown Prosecutor to say: "Oh, you have no land." It should be remembered, and against the opinion of many men, but still it has been carried formerly, that no man should enter the House of Commons as representative of a borough, unless he possessed £300 a year; he could not enter as member for a county under £600 a year. But these disqualifications have been abolished. These disqualifications no longer

exist. Every man subject to taxation has an interest in his country; and it is a strange proposition to say that, because men are not connected with land, therefore they ought to feel no interest in their country—therefore they ought not to meddle in politics. That is not the way they deal in Scotland—

"Breathes there the man, with soul so dead,
Who never to himself hath said,
This is my own, my native land!
Whose heart had ne'er within him burned,
As home his footsteps he hath turned,
From wandering on a foreign strand!"

That is what the great poet of Scotland has written—the man who has made Scotland what it is; and, as men in Edinburgh of the highest distinction will tell you, he has made classic ground of Scotland, and he has attracted all civilized Europe to that most charming country. Gentlemen of the jury, if indeed there has been a conspiracy, ah, mark you that, with all the force and treasury of the Crown, with all the power and talent arrayed here in sustainment of the prosecution—mark that not a single instance, not a solitary proof by direct testimony of the existence of such a conspiracy has been given. You prove conspiracy in two ways; first, by showing, if you can, the parties met together and that they entered into this illegal conspiracy and combination to effectuate illegal purposes. That has been repeatedly done, because the imformer —the blood-stained informer in these dark and wicked conspiracies which so frequently existed in different parts of the world, came forward and stated his presence at the meeting, proved the case, which was then sustained by confirmatory evidence. No proof of that here. Had this conspiracy been devised in the caves and recesses which the mighty roll of the Atlantic ocean causes along the north-west of Ireland, it would have been plotted in secret. Then I could understand the imputation against those gentlemen. But this extraordinary case is, these men, under the circumstances you shall hear—and men are always to be judged according the period in which they live, according to the pressing exigencies of the period; it is like reading a document by the light of the circumstances—here are men who openly take a house in Abbey-street, who print upon it, I presume—I have not seen it—"The Land League Rooms," open to the world, open to every policeman, no act of theirs ever private. That is the class of conspiracy which is sought to be condemned in the present trial. Gentlemen, if indeed this conspiracy had been devised in the romantic region to which the recollections of my early boyhood point—the north-west of Ireland—and if you had ever been there and if you had entered those caves and caverns thus created by the ocean, this would be the fitting place to devise schemes for overthrowing a government or for some other wicked or dangerous purpose. It would in that case be surrounded by some romance; but the case we have to deal with requires no sentiment and no romance to heighten or intensify it. It is the saddest tale of every-day suffering which this world ever experienced. You may be far away from the scenes of misery which occur in this island; you may not be aware of them; you may not know of them, or you may not be able to fully appreciate them. I would you had seen them; I would you had known them; and I should have no difficulty in dealing with any branch of this case. Gentlemen, I congratulate myself that the charges against the defendants are not of rebellion against Her Most Gracious Majesty the Queen. There is no indictment here for inciting rebellion against the Government—nothing of the sort. No. I tell

you what this indictment is—it is a landlord's bill of indictment against tenants—nothing more or less, and I will demonstrate that before I have done. No doubt it has been framed with great skill. But if I had the four following characters to approve of that bill they would give it their unanimous approval. First, the landlord of the worst type (there are good landlords). Secondly, the clearance gentlemen, who causes clearances, and becomes a vast grazier. Thirdly, the emigration agent. And fourthly the land-grabber. Now, that is the bill of indictment for those four persons—for every man of them would approve of it. The wicked and bad landlord of the worst type would approve of it. "Oh, you conspired, you evil-minded men, to impoverish the landlords." I will deal with them when I come to it. "Oh," said the grazier, "what a splendid thing it is to see that indictment. Oh, surely it is better to have these vast plains covered with cattle tended by a few herds," instead of seeing that lovely valley clothed with every species of agricultural produce, dotted with houses, and a happy people living amongst them. "Oh, no," said the grazier, "it is a great deal better. I could have a thousand bullocks, and a few herds will attend them." "Ah, then," comes in the emigration agent, "emigration is the cure." To be sure it is, for you—emigration is your cure, but a cure condemned by every sensible man. And, lastly, the land-grabber who will, against principles of justice at all events, take over the head of the unfortunate people who have been evicted because they could not pay an impossible rent. Gentlemen, I regret, and I think it is to be regretted, that a Government calling itself a Liberal Government should have adopted such a course of proceeding as the present. They were fully advised of all that was going on in Ireland. They were aware of the distress of the people. They were fully cognizant of the formation of the Land League. They knew of Mr. Parnell's visit to America in December of 1879 and January, 1880. They knew of the various speeches at the meetings. And with all that knowledge before them they never interfered—they never proclaimed a single meeting as unlawful—they never warned the people against a single assembly—they never alleged that a solitary assemblage constituted an unlawful assembly,—and after all had been accomplished, and after the sufferings of a large portion of the Irish people had been hushed in the silence of the tomb—then, gentlemen, I regret it, the Government turns round and files an *ex-officio* information against the authors of a movement which has stopped more evictions than their Bill of 1880 would have done. Gentlemen, I do not desire to exaggerate, and I must, as an honest man, say this, that I give credit to the Government for good intentions in the year 1880. But I cannot avoid remembering a saying of Daniel O'Connell in one of his conversations with me, "My young friend, I am happy to know that the way to hell is paved with good intentions." There never was anything more true. Men often entertain good intentions, but unfortunately they do not carry them out. Gentlemen, now I told you that this was a landlords' bill of indictment, and in that spirit undoubtedly the case was ushered in before you. My learned and able friend was bound to put it so. You will please to remember; and gentlemen, I may mention this, I shall not weary you by reading the reports of the meetings. You have listened with the most extraordinary attention to everything that could be offered, and I shall not repeat and reiterate, and I do trust that I shall be able to condense my speech, and to put forward the bold, broad facts of the case upon which you have to decide, without wearying you unnecessarily. But I must inform you I have but one opportunity

of addressing you, and, when I shall have sat down, I shall ask you to remember my arguments, to adopt them if you approve of them, and to reject them if your honest judgment does not go in accord with them. I said it was a landlords' bill of indictment, and accordingly you will remember that to enforce the stipulated rights of contract—that was the affirmative proposition. My learned friend sometimes would appear to hint as if there was something like sedition against the Government. But there was nothing of the sort charged, or pretended to be charged, and you never can, in any great civil or criminal court, fine or convict except according to the allegations proved. My learned friend then observed, and endeavoured to catch you by this argument—that you must see that unless the contracts were enforced—unless the stipulated rents were paid—unless the leases were upheld—it might come to a repudiation of other contracts. Visionary, that is—utterly visionary! Gentlemen, impossible contracts never can be carried out. This bill of indictment wants that there should be a contract carried out no matter how stringent—no matter how oppressive—no matter how much one had in point of dominion on entering into the contract—no matter how much the other was obliged to yield to oppression. That is not the doctrine of our courts of equity in this country. But to enforce this affirmative proposition, then wicked intentions are attributed to the defendants—they were wickedly disposed persons, intending and devising to impoverish the landlords of Ireland. That is the great contention of this indictment, and I will deal with it by-and-by. The next, conspiring with the intention and means to effect the purpose charged—not to take a farm from which another has been evicted, and not to buy at sheriffs' sales when goods were sold to pay rent. Now, I think I am stating the matter fairly and fully. Three-fourths of the indictment are conversant about the intentions to impoverish the landlords, and the others are thrown in as make-weights in this alleged and unproved conspiracy. This indictment being so purely a case between landlord and tenant raises the question in relation to the land in Ireland. Intentions are charged against the traversers; and, gentlemen, according to the constitution of this country, I thank God, the people are to discharge their duties in criminal courts, and tyrannical laws cannot be suffered to exist, Why? As given by the best authorities, because the people will not execute tyrannical laws against themselves. In addition, the intention is for the jury, and I shall criticise each of these intentions by and by—these wicked intentions. One of the noblest maxims of our law is this—*factum non facit reum nisi mens rea sit.* You will understand its application in a moment. Act does not make a man guilty, unless his mind be guilty. I could illustrate that in a variety of ways; it is one of the noble maxims put forward by Lord Bacon. Take the case of any felony you please—stealing, murder, receiving stolen goods—anything. I suppose no great assembly ever existed yet no great ball or party ever met at the hospitable board of the chief magistrate of this city, at which mistakes have not occurred—that one gentleman did not in a mistake take away either the hat or the umbrella of another, and carry it away; and, therefore, as to two of the averments in the bill of indictment for stealing, he was guilty. But still he was not guilty—the *animus furandi* was not there—he did not take and steal, and carry away. A man who honestly pays for goods is not guilty of receiving stolen goods, unless his mind is guilty. A man is tried for murder, but unless malice prepense influenced the act he shall be acquitted of murder. It might be reduced to manslaughter; it might be reduced to accidentally killing; it might be reduced to

self-defence. All the circumstances are to be inquired into, because it is a great principle of the law that it is not the act which makes you guilty, but it is the evil design and wicked intent which guides your act. Gentlemen, what do those traversers, through me, assert—that their intentions were good, that they were holy, in many respects sanctioned by justice, and consecrated by the teachings of religion. The traversers further say that they inculcated, over and over again, abstinence from violence, every sort and kind, and that in order to restrain eviction and to bridle the cupidity of landlords, they adopted measures which were day by day practised by the highest members of society and practised without animadversion. What do I allude to now? I allude to the direction, "do not commit violence—no blood, no murder, no assassination; but if you want to stop evictions, to prevent the abuse of that power which exists—if you want to do that, why then don't take a farm that another has been unjustly dispossessed of for an impossible rent, and don't associate with, have nothing to do with, put in Coventry, the man who will take that farm, and thus enable eviction to take place." Why I say that putting in Coventry is practised every day amongst the highest members of society. It is perfectly lawful now for the Trades Unions to exist who used to be indicted, over and over again, for daring to form themselves into associations and agreeing that they would not work unless for a certain sum of money; many a time I defended them. Gentlemen, in England the strong good sense and Saxon spirit must be always regarded by the Government, and in that vast commercial system it was necessary that these men should be permitted to unite themselves together; should be permitted to combine, and confederate, and agree together that they would not work. Formerly the rule was that each man had a right not to work except for certain wages, but then came in that law of conspiracy, which tyrants have always resorted to, and when a man was doing nothing illegal, just get him to join in concert with two or three others of the same view, and then indict them for conspiracy. But while men are at liberty to "strike," they are not at liberty, and they should not attempt to molest anybody else or commit acts of violence. God forbid. They are not to attempt to threaten, but they may argue with their friends or comrades or those who are working with them. They dare not interfere with the free will of others, their rights are preserved, and their masters' rights are equally preserved. And masters have also the right to associate themselves together and say we will not give wages beyond a certain amount. And this freedom is maintained. Well, now, look at the various clubs in the three kingdoms. If a man be of evil character, if he be a discreditable person, he is liable to be black-beaned in any one of these clubs, and he is refused admission into the club, or he is banished from it in many instances. And yet that which is the right of the highest people in the land, is denied to the humbler classes. Oh, but then, sir, it is said—"You are people of inferior station; we are landlords. You must not attempt to interfere, to stop evictions, by saying you will put into coventry any man who takes evicted land." Take the case of the association of the Bar on the several circuits, and all over England. They have power to black-bean any gentleman who follows circuit. And what is the meaning of that? It is this, that the gentleman who has been black-beaned cannot enter the dinner room, he cannot dine with his associates; he is completely cut off; he cannot dine with his associates, and he is left in solitude. I remember one instance where one of the most distinguished men, because he had in some way rendered himself distasteful to some members of his circuit, was black-beaned, but like a man

and a gentleman, he adhered to that circuit in spite of them all, and he would not condescend to join them, even when they implored him to do so, until one gentleman, the leader of the circuit, said he would walk out of it and relinquish it, and then this strong-minded, noble-minded man, was induced to join the society, which once had the folly and the wickedness to exclude him. Now, gentlemen, I admit—and I hope I will not be so uncandid as not to admit every fact—I admit that in the heat and hurry of addressing thousands of men, wild and exaggerated expressions sometimes drop from amongst the crowd; but, gentlemen, every man of sense makes allowance for these ebullitions. You have heard that most gentlemanly explanation of his language given by Mr. Harris, whose Christian name, I think, is Matthew. As for Mr. Nally, I leave him to the defence of my esteemed and learned friend Mr. Curran, who will add something on the subject, and of importance to what I have ventured to throw out with reference to Mr. Nally. I venture to think, however, that those wild expressions of his, which his friend Stringer so faithfully recorded, arose from the board at which they had been entertaining themselves, and when the one went to speak and the other to report, they too should be indicted for the conspiracy—the evil intention of impoverishing the landlords, not of putting them out of the country. The last observation I will make about Nally is this—that if he had become a soldier in the army of Her Majesty he would not have failed to do his *devoir* towards her, and that had he been in the ranks at Waterloo, or had he taken part in any of the great battles fought elsewhere, he would have sought to earn that renown which belongs to all, whether English, Scotch, or Irish, so far as he could. And now, gentlemen, passing from that we come to another question bearing more closely upon the case. Lord Palmerston said the question of the land was the history of Ireland, and were I to adopt a course different from what I propose to myself, I might, perhaps, deliver a more entertaining oration to you, but I shall keep to this point solely in relation to the land of Ireland, and it will be to that I shall address myself whenever I refer to the history of the period. Gentlemen, I shall rapidly pass over the long tract of line which would open up the general question as between the two countries with which I don't intend to meddle. It is in relation to the land and to the land only that I mean to address you, and even upon that I hope my observations shall be brief, and I have still a stronger hope that they will be pointed and to the subject. Gentlemen, there is no doubt that the land question is a question upon which all great men are now united in opinion; it is a question upon which the concord of opinion has become marked. No doubt it is the history of the country, and here I may quote one or two passages from Sir John Davies, who was the Irish Attorney-General of James I., and who said—"That 'before Michaelmas he would be ready to present to his Majesty a perfect survey of six whole counties which he now hath in actual possession in the province of Ulster, of greater extent of land than any Prince in Europe hath in his own hands to dispose of.'" Was not that marvellous? Six counties in actual possession of the Crown. And the Lord Deputy, writing about the year 1607, said—"I have often said and written, it is famine that must consume the Irish, as our swords and other endeavours worked not that speedy effect which is expected; hunger would be a better, because a speedier, weapon to employ against them than the sword. . . . I burned all along the Lough (Neagh) within four miles of Dungannon, and killed 100 people, sparing none, of what

quality, age, or sex soever, besides many burned to death. We killed man, woman, and child, horse, beast, and whatsoever we could find."

We pass now over a long period and come down to a modern date. Mr. Froude, an eminent historian, prejudiced against Ireland but still truth-telling, says :—"The English deliberately determined to keep Ireland poor and miserable, as the readiest means to prevent it being troublesome. They destroyed Irish trade and shipping by navigation laws. They extinguished Irish manufactures by differential duties. They laid disabilities even on its wretched agriculture, for fear that Irish importations might injure the English farmer. Of all the fatal gifts which we bestowed on our unhappy possession (Ireland), the greatest was the English system of owning land. Land, properly speaking, cannot be owned by any man—it belongs to all the human race. Laws have to be made to secure the profits of their industry to those who cultivate it ; but the private property of this or that person, which he is entitled to deal with as he pleases, land never ought to be and never strictly is. In Ireland, as in all primitive civilizations, the soil was divided among the tribes. Each tribe collectively owned its own district. Under the feudal system the proprietor was the Crown, as representing the nation ; while the subordinate tenures were held with duties attached to them, and were liable on non-fulfilment to forfeiture. In England the burden of defence was on the land. Every gentleman, according to his estate, was bound to bring so many men into the field properly armed and accoutred." . . . Then, after referring to the duty which was afterwards carried by the gentry of England, Mr. Froude goes on to say :—"The intention, doubtless, was as good as possible in both cases, but we had taken no trouble to understand Ireland, and we failed as completely as before. The duties attached to landed property died away, or were forgotten—the ownership only remained. The people, retaining their tribal traditions, believed that they had rights upon the land on which they lived. The owner believed that there were no rights but his own. In England the rights of landlords have similarly survived their duties, but they have been modified by custom or public opinion. In Ireland the proprietor was an alien, with the fortunes of the residents upon his estates in his hands and at his mercy. He was divided from them in creed and language ; he despised them, as of an inferior race, and he acknowledged no interest in common with them. Had he been allowed to trample on them, and make them his slaves, he would have cared for them, perhaps, as he cared for his horses. But their persons were free, while their farms and houses were his ; and thus his only object was to wring out of them the last penny which they could pay, leaving them and their children to a life scarcely raised above the level of their own pigs." Eminent Protestant Bishops felt with Dean Swift as to the condition of Ireland. Bishop Berkeley gives his opinion on the subject of high rents by describing Irish landlords as "Men of vulturine beaks with bowels of iron" ; much as the *Times*, thirty years ago, said, that the same class were "exercising their right with hands of iron and fronts of brass." Chronic starvation prevailed. Every penny made by the tenant was seized by his lord ; and Dean Swift, in his "Maxims Controlled," says—well, I won't read what he says, but I may state briefly the substance of his statement, that at least five children in every six who are born lie a dead weight for want of employment. Dr. Woodward and other Protestant Bishops took the same view, and then, gentlemen, after the Parliamentary union comes the evils of absenteeism, one of the most distressing evils which ever afflicted the country, and I shall present the result of it to you. In 1729 the drain of absenteeism was £627,799, and in

the year 1838 the drain was £5,000,000, and at the present time it would amount to about £6,000,000. And when we turn to what Judge Fletcher said in his charge to the Grand Jury of the county of Waterford in July, 1814, we find that the words of that excellent judge were—"What is the wretched peasant to do? Hunted from the spot where he had first drawn his breath—where he had first seen the light of heaven—incapable of procuring any other means of subsistence—can we be surprised that, being of unenlightened and uneducated habits, he should rush upon the perpetration of crimes followed by the punishment of the rope and the gibbet? Nothing remains for them thus harassed, thus destitute, but with a strong hand to deter the stranger from intruding upon their farms, and to extort from the weakness of their landlords—from whose gratitude and good feelings they have failed to win it—a sort of preference for the ancient tenantry." Then again at the commencement of the session of 1829 Mr. Brownlow brought the condition of the tenant-farmers and labouring classes in Ireland under the notice of the Government, and a few months later (on the 16th February, 1830,) the Irish Solicitor-General (Mr. Doherty) stated, in the House of Commons, that a great part of the tenantry of Ireland were "worse off than the beasts which browsed upon the land," adding that "it was high time to make an effort to ameliorate their condition." The select committee appointed in 1830 repeats the old story of misery and want. "The committee conceives," says the report, "that it is the imperative duty of individuals, of the legislature, and of the Government, to consider what means can be devised to diminish the mass of sufferings, and, at the same time, to secure for the country a better economic condition, promoting the better management of estates, and regulating the relation of landlord and tenant on rational and useful principles." And I ask you, if the select committee reported fifty years ago that it was the imperative duty of individuals to consider what means could be devised to diminish the mass of suffering then—I ask you, what has been done in the interval to absolve the legislature from that duty? My learned friend (the Attorney-General) in his most able address complained of the traversers for saying that the time for argument had passed. Why, it was stated in substance by competent authorities fifty years ago, that the time for argument had passed, and yet the people are worse now than they were in 1830. My learned friend, the Attorney-General, complains that the traversers speak in one of their resolutions about being temperate and firm. "I have no objection to the word temperate," said he, "but I object to the word firm." I insist on the word firm. I say "be temperate and firm" in the discharge of your duty, and that is the proper way to discharge it. But returning again to the report of the committee, what did the Duke of Wellington say about absenteeism? He stated that the landlords were much to blame for the poverty and distress of the people. "If," said he "persons of estate and property in Ireland would live there, and spend their incomes in it, they would do more to tranquillize the country than all the measures His Majesty's Government could adopt." Lord Selbourne declared on the 18th March, 1831, "That all the witnesses, Catholic and Protestant, magistrates and others, who were examined before various Select Committees with reference to Ireland, had, with one voice, ascribed the disturbed state of the country to the relations subsisting between landlord and tenant to the manifest injury of both, yet the Government, instead of striking at the root of the disease thus pointed out, persisted in the application of local remedies, which created a great deal of irritation and did no good." And Major

Warburton, a resident magistrate, said, in giving his evidence before the Committee—"The destitution produced by turning persons out of their land, when they have no other means of existence, is a very great source of crime, as such a state of things must naturally involve the people in criminal endeavours to procure the means of maintaining their families." And again, "That such a state of things must necessarily involve people in crime, when they are reduced to destitution by being turned out of their lands without having any means of subsistence." He also states that "the causes which produce crime and outrage at present are the same causes which, for many years back, have produced the same results." That last sentence might have been written in the present year of grace. Can it be wondered at that the relations existing between landlord and tenant, that poor people being turned out of their homes for rent they could not pay, would lead to the perpetration of crime? When poor people are cast out upon the world, can we express wonder, no matter how much we may deprecate it and shudder at it, if they should resort to crime as the only means of preventing eviction they have? By a public display the organization has produced, as I will by-and-by show you, infinitely good results. It has stopped evictions in the year 1880—it has prevented them and rendered them useless. There is no use in the landlord evicting. There is no use in enforcing decrees of ejectment, and taking possession of a house or land, because nobody else would take it, and therefore it will lie idle; and after all the arguments, and when for centuries this land question has been every year producing this chronic evil, and sometimes disaffection against the Government, they found that fifty years ago—in the year '30—what was then admitted by the Duke of Wellington and Lord Stanley, and by man after man of high character and standing, still existed, and was most terrible to contemplate, and nothing has been done since. Two things did occur, and I will come to them, and very plainly come to them, namely—the Land Bill of '70, and the Land Bill of '80; and it is in reference to these I cannot refrain from doing justice to the Government, and saying that they do mean well, and have good intentions. The year '41 passed rapidly on. A man possessing vast estates in Ireland, and a good landlord—Lord Derby—is found publicly declaring that—"Persons having from fifteen to twenty acres of land are generally from April to September in a state of the greatest destitution, living on potatoes, without either milk or meat, and considering themselves very happy if they have dry potatoes enough—men who, during a great part of the year, lived on dry potatoes—men whom the landlords, letting them lands at a rack-rent, may upon any day turn loose on the world to starve in the last degree of misery." "Exorbitant rents," Gordon's "History of Ireland;" "Exorbitant rents," Newenham's Inquiry; "Exorbitant rents," Dr. Woodward; "Exorbitant rents," Curwen; "Exorbitant rents," "First report on the State of Ireland, 1825."—"It is an undoubted fact that as landlords they exact more from their tenants than the same class of men in any other country." At a subsequent time, in 1845, Lord Stanley proposed his bill; Lord Lincoln followed next year with his bill; Sharman Crawford next brought in his bill. I pass them over—they were fruitless. In December 1846, what was the state and condition of the people of Cork? Father Mathew tells us that the people "filled their stomachs with cabbage leaves and turnip tops, &c., to appease the cravings of hunger; there were then more than 5,000 half-starved creatures from the country begging in the streets of Cork, and when utterly exhausted, they crawled

to the workhouse to die," and that at one period the average deaths in the union numbered over a hundred per week; that from the 27th December, '46, to the middle of April, '47, the number of human beings that died in the Cork Workhouse was 2,130, and in the third week of the following month the free interments in the Mathew Cemetery were 277—as many as 67 having been buried in one day. Now, gentlemen, see how this bears upon the questions which I shall by-and-by discuss with you. How comes this in a country where the quality of the soil is in parts superior to that of any other country—where the soil of England cannot equal the fair valleys of Tipperary—where the golden vale of Tipperary surpasses any other soil in England—any subsoil to be found in any part of England or Scotland? Gentlemen, the people were driven from the best soils, and it is in Connaught chiefly therefore we observe this. Cromwell drove them across the Shannon, and away from their possessions into the wild and most romantic regions of Connaught; but they are wild and miserable, and the people were ordered not to come within two miles of the Shannon and within four miles of the sea. The wretched unfortunate Roman Catholics were thus imprisoned and locked up between the Shannon on one hand and the ocean on the other, and thus they were scattered amongst that most unfertile soil. It was there that the Land League chiefly worked to relieve distress—they have sent £48,000 pounds amongst them; they did infinitely more, as you will see when I come to lay the facts before you. But the quality of the soil of Ireland generally was such as would support an infinitely larger population. "Ireland may be considered as affording land of excellent quality; a great portion of the soil throws out a luxuriant herbage springing from a calcareous subsoil without any considerable depth. Some places (throughout Meath in particular) exhibit the richest loam I ever saw turned up by a plough." So said Wakefield in his account of Ireland—"where such soil occurs its fertility is so conspicuous that it appears as if nature had determined to counteract the bad effects produced by the clumsy system of its cultivators." I pass from that. Earl Grey in March, '46, said: "It was undeniable that the clearance system prevailed to a great extent in Ireland, and that such things could take place—he cared not how large a population might be suffered to grow up in a particular district—was a disgrace to a civilized country!" Lord John Russell speaks in terms no less strong. In '49, 50,000 families were swept off by the exterminator. Good God! it is hardly credible, but it is true. The English Government has framed a bill of indictment of a terrible character against themselves by fair and candid men—they have framed a bill of indictment against their own misgovernment of Ireland in relation to the landlord question, and what is more they have pleaded guilty to the indictment. It is appalling, but true, and necessary for the purpose of discussing, whether we who meant well, and tried to save and serve our country, and are animated by high and holy objects, exaggerated and wild as their language might seem to be, are to be convicted, not of holding a meeting here and there, but of having the meeting condemned as an unlawful assembly and charged with being conspiritors to impoverish the landlords who have wished their ruin. Was there ever such a contradiction—to prove the justice of punishing men who sought to remedy it. Gentlemen, as to the depopulation of the country—in Connaught in '47 there were 35,634 holders of under five acres, and in the following year this was reduced by 9,203. There were 74,707 holders of from five to fifteen acres, and in the next year they were reduced by

12,891. Those from fifteen to thirty acres were reduced by 2,189, and the total depopulation was 26,499 holders of land, exclusive of their families, effected in Connaught in one short year. In other words there was a decrease of the agricultural population in the one year in Connaught alone of at least 132,500 souls. The number of houses levelled between '41 and 61 was 270,000, representing at least a population of 1,300,000 souls. Gentlemen, the Society of Friends—one of the most estimable that I know of—and I had the pleasure of knowing them in the King's and Queen's County when I went on circuit—they went forth to relieve the distress of the people in a matchless and most kind way. Now, it is a mistake I tell you, to talk of emigration as a cure. Why, Sir Robert Kane proves that the soil of Ireland could easily maintain much more than was ever located upon it. He shows that if you reclaim the land—the lands—4,600 acres of land now lying perfectly waste, and lying now, to the knowledge of every Government for over thirty years—20,000,000 men could be sustained—some say 8,000,000, some 20,000,000, and some more. Lord John Russell, followed by Mr. Gladstone, who quotes him, describes the real condition of the land tenure in Ireland. He says—"However ignorant many of us may be of the state of Ireland, we have here (in the Devon Commission) the best evidence that can be procured—the evidence of persons best acquainted with that country—of magistrates of many years' standing, of farmers, of those who have been employed by the Crown; and all tell you that the possession of land is that which makes the difference between existing and starving amongst the peasantry, and that therefore ejections out of their holdings are the cause of violence and crime in Ireland. In fact, it is no other than the cause which the great Master of human nature describes when he makes a tempter suggest it as a reason to violate the law: 'Famine is in thy cheeks, need and oppression starveth in thine eyes, upon thy back hangs ragged misery. The world is not thy friend, nor the world's law: the world affords no law to make thee rich. Then be not poor, but break it.'" These words had been uttered by Lord John Russell and quoted by Mr. Gladstone in the land agitation of '70. Lord Dufferin, speaking of the wrongs which Irishmen have endured, says—"The wrongs which Irish tenants have endured would have justified a course of conduct incomparably more violent than any which Ireland in her wildest moments and fiercest paroxysms ever committed." I pass over Lord Palmerston, and Mr. Bright, and Mr. Froude, with this observation of Mr. Froude's—"The gallows is the only preacher of righteousness—you unfortunate men who have used the blunderbuss, who have violated the law of God and man—the gallows is the only preacher of righteousness to guard you against the wild justice of revenge." Gentlemen, the open discussion of the law—the organization which prevents evictions—that organization has done more to prevent evictions and save life than all other efforts. Lord Beaconsfield, discussing the eternal coercive measures, came forward and said, "He wished to see a public man come forward and say what the Irish Question was. Let them consider Ireland as they would any other country similarly circumstanced. They had a starving population, an absentee aristocracy, an alien Church, the weakest Executive in the world. This was the Irish Question. Some men would say at once on reading of a country in such a position that the remedy is revolution, not the suspension of the Habeas Corpus Act. But the connection with England prevents revolution. Therefore, England was logically in the position of being the cause of all the misery of Ireland. What, then, was the duty of an English Minister?

To effect by his policy all the changes which revolution would do by force." Such were the sentiments of Lord Beaconsfield.

Mr. Justice FITZGERALD.—The date of that?

Mr. *Macdonogh.*—I beg pardon; that was in 1848. In speaking of 1848 I am reminded of that period when the thrones of Europe were tottering; when every prince in Italy was flying; when revolution shook the whole frame-work of society—what saved England? It was the Corn Law League that saved England. The first great league that saved England was the league between the barons and Holy Church against the oppressions and wickedness of John. That was the first league, and every man of them might have been convicted as a traitor and conspirator, if indeed a jury could be found base enough to find men guilty who were resisting oppression and effecting the grandest benefits for their country. Again, what saved England again in '48? The Corn Law League. Gentlemen, it was perfectly plain that if her corn laws were upheld, if the sliding scale had been maintained, the people of England would have risen in rebellion and imitated the conduct abroad; and now it is admitted that by the incomparable acts of Sir Robert Peel—founded on the Land League—the representatives of Cobden and Bright, he established the power of England, and England alone remained quiet amongst the nations, and there was no revolution in England. The revolution in France was caused by the folly and wickedness of the nobility, and by the sufferings of the people. In England if the head were wanting there would have been that fearful revolution, but for Cobden, with what Sir Robert Peel called his unadorned eloquence, more effective than any species of rhetorical display could have been. Mr. Bright, with his wondrous forms of eloquence, is one of the most glorious speakers I ever heard, the lucid clear order that prevails in everything he says, the matchless language which he used, taken from the pure "well of English"—undefiled, without any foreign mixture. I have sat many a day and many an evening to hear him in the House of Commons, with great delight—(though I differ from him in opinion)—speak on various subjects. So far I am reminded of '48, and it was then that Mr. Disraeli made use of these expressions. Gentlemen, Lord Grey says, "Ireland is the one deep blot upon the brightness of British honour. Ireland is our disgrace. The evils of Ireland could only be produced by misgovernment." We come now direct to the period which led to the land bill of '70, and in '69 Mr. John Bright declared to his constituents, that were Ireland removed one thousand miles westward into the Atlantic, the Irish proprietors would almost, one and all, be hurled into the ocean in a day." That is very strong language, but it never occurred to the authorities of England to prosecute him, or charge him with being engaged in a guilty conspiracy. You will have observed in the progress, and I merely touch your memories on the subject, you will have noticed that the speakers amongst these gentlemen whom I defend, have evinced a great deal of native Irish talent in many of their addresses. You will have observed that they frequently referred to the philosophy of Mr. Mill. The world is going so rapidly, and education is spreading so fully, that it is not one star that is in the horizon now, but the whole earth is covered with education, in the British Islands and in many parts of Germany, and you will find that persons read the philosophy of modern times. Smith's "Wealth of Nations" was the first work that opened up the mind of the public to the economy of wealth, and the social problems that sometimes distract society. Mr. Mill writes:—"The land of Ireland—the land of any country—belongs to the people of that country. The in-

dividuals called landlords have no right in morality and justice to anything but the rent or compensation for its saleable value. When the inhabitants of a place quit the country *en masse*, because its Government will not make it a place fit for them to live in, the Government is judged and condemned. It is the duty of Parliament to reform the land tenure in Ireland. There is no necessity for depriving the landlords of one farthing of the pecuniary value of their legal rights, but justice requires that the actual cultivators should be enabled to become in Ireland what they will become in America—proprietors of the soil which they cultivate." That is the political economy of Mr. Mill, and that is the political economy of these gentlemen who are traversers here. Then, again, Mr. Mill epigrammatically says:—"The greatest burden on land is the landlords. Returning nothing to the soil, they consume its whole produce, minus the potatoes, strictly necessary to keep the inhabitants from dying of hunger; and when they have any purpose of improvement, the preparatory step usually consists in not even leaving this pittance, but turning out the people to beggary, if not to starvation. When landed property has placed itself on this footing it ceases to be defensible, and the time has come for making some new arrangement in the matter. When the sacredness of property is talked of, it should be remembered that any such sacredness does not belong in the same degree to landed property. No man made his right in the land. It is the original inheritance of the whole species. Its appropriation is a question of general expediency. When private property in land is not expedient it is unjust. It is no hardship to any man to be excluded from what others have produced; they were not bound to produce it for his use, and he loses nothing by not sharing in what otherwise would not have existed at all. But it is some hardship to be born into the world and to find all Nature's gifts previously engrossed and no place left for the newcomer. To reconcile people to this after they have once admitted into their minds the idea that any moral rights belong to them as human beings, it will always be necessary to convince them that the exclusive appropriation is good for mankind on the whole, themselves included. But this is what no sane human being could be persuaded of if the relation between the landowner and the cultivator were the same everywhere as it has been in Ireland." Gentlemen, these men are indicted for professing the opinions which this great man enunciated. Gentlemen, those men are indicted for professing opinions as to land which this impartial philosopher has enunciated. It is not for me to propound opinions; it is for me to endeavour by every just means to vindicate these gentlemen. The question of rent must be regarded—and rightly—by every wise man in this way. What does the landlord give in Ireland? He gives the soil. It is not mechanically fitted up with all the appliances and advantages appertaining to the land as is given in England. In England the landlord makes the improvements. In England he hands over a house, he hands over offices; he does not give the mere land. In Ireland, fancy an unfortunate being receiving perhaps two acres, or ten acres, or fifteen acres of soil with a miserable cabin on it; in some places no cabin at all, no offices. What is he to do? Why, he could hardly support himself if he paid no rent at all, but he ought to pay a fair, just, and reasonable rent which an upright man would require for his land—the land as he gives it, not the land as it ought to be given to a tenant—land given as mere soil. "Make now what you can of that." What can the poor man do? He has to go to the seed merchant, he has to induce that gentleman to

give him seed for his farm, he frequently induces the merchant or the shopkeeper or the banker to cash his bill, it enables him to start, and when you reflect on these things, and when you shall hear that within one miserable part of Mayo the merchants there had in their books £40,000 debts due to them for their kindness in advancing seed, food and clothing, and in lending money to the poor people; when you know all these things you will say—"These are not the wicked people you were told they are." When they tell you, "Now, after emerging from the famine from which we saved you in great part, although you have other most benevolent and beneficent beings to assist you, now that you have emerged from this, you ought to pay the seed merchant, you ought to pay the shopkeeper, you ought to pay the merchant who lent you money for clothes for your children, you ought to pay the banker, and you ought to pay Griffith's valuation if you can, but you cannot allow your children to starve before your eyes. You cannot allow the wife of your bosom to be without food; you cannot allow her to perish and the children to die." And they are not the wicked persons they have been described. I shall not trouble and weary your intellects by the perusal of the speeches, but pass on. Is not it plain that although there was no common consort and community of wicked purposes between those gentlemen, yet each and all of them had educated themselves and taught themselves what to do for their country. One of them, a young gentleman, and obviously of great talent, and, I am happy to say, deeply imbued with the spirit of the religion to which he belongs, but I hope having passed through this ordeal, he will distinguish himself hereafter in a brighter and better field. Gentlemen, I pass over the various efforts of other distinguished individuals; and certainly in my researches and endeavours to collate all the facts and historical incidents which bear on the pressing question of the land, I alighted on one which gave me singular pleasure and astonishment. I had imbibed rather an unfavourable opinion of the Earl of Clare—an Irish nobleman who rose to great distinction—and that was by reason of some acts of his; but what I call your attention to is this—in his speech on the Union, he says: "I wish gentlemen who call themselves the dignified and independent Irish Nation to know that 7,800,000 acres of land were set out to a motley crew of English adventurers, civil and military, nearly to the total exclusion of the inhabitants of the island, many of whom, who were innocent of the rebellion, lost their inheritance as well for the difficulties conjured up in the Court of Claims in the proofs required of their innocence as from a deficiency in the fund for reprisal to English adventurers, arising chiefly from a profuse grant made by the Crown to the Duke of York." And these were the sentiments of Lord Clare; I did not expect such sentiments enunciated by him. But, gentlemen, why do the Irish people cling to the land? Because every other means of living has been taken from them. Mark the state of things. In the North only have they held on to the staple trade of that part of the island, and why? Because they did not interfere with the English manufacturers. What did William III. say to his Parliament? "I will do all in my power to discourage Irish woollen manufacture." And he did so, and succeeded unfortunately too well. In the 1800 there were in Dublin ninety-one master manufacturers of woollens, to-day there is not more than one. Now, is not that a fearful, a dreadful state of things. They had cultivated manufactures, and because the larger country was interfered with, then caused that awful declaration to his people that he

would discourage Irish manufactures, and he did so. Gentlemen, I find that "Emigration is the hæmorrhage which drains the life blood of Ireland away, and I deeply regret that a noble lord should have re-animated the Sangrado prescription of more blood-letting and hot water; Ireland has too much of that already. I fear to face the future when one and a half million of our population is to be reduced. I fear to face the deep and untold misery to thousands, the quenched fires, the household goods scattered, the trading classes in the towns still further reduced and ruined, and the professional and middle classes feeling the want of that life blood which it is the duty of true statesmen to keep in the body politic, and above all to arrest its continual flow." And who speaks so strongly against emigration, and so truly against emigration? I find he was the highly respectable gentleman called William Lane Joynt.

Gentlemen, on the 14th of March, 1870, Mr. Gladstone introduced his famous bill to amend the law of landlord and tenant in Ireland, or I believe it was read a second time on that day. Gentlemen, there is no doubt whatever that he was then animated by a strong desire to redress the wrongs which the English people had inflicted on Ireland in reference to the land tenure, and, gentlemen, I believe I may give a portion of the honour to my learned and distinguished friend who sits next me. At all events, he was concerned in framing that Act of Parliament. Gentlemen, now I told you the state of things previous to that Act of 1870, it became an absolute necessity, the number of clearances which spread desolation over the land, the clearances which sent numbers of people to poorhouses. Now, the tenants evicted prior to the year 1870 suffered in a way very different from what evicted tenants in England suffered. In England, as I will prove to you by-and-by, the landlords advanced capital and made improvements; and in Ireland the landlords made no improvements, the tenants improved, and lost the benefit of all — I am wrong in saying so — they made no improvements; they made improvements for themselves; they cleared off the smaller tenants; they sent them to the emigration agent or the poorhouse. An Act of Parliament was passed to oblige them to give notice to the Poor Law assistants and officers, of the intended eviction, in order that people might not starve. Gentlemen, the tenant in Ireland who had made the improvements lost everything when he was evicted. Not so in England, because the tenant had not made the improvements. What did the Land League seek to do, and with these two Land Acts—one an Act, and the other a Bill—you will have to deal and become familiar with, to the understanding of the case. The Land Act said the object and end it aimed at then was what these men of the Land League have effectuated. The Land Act aimed at putting at end to eviction by providing by the third and fourth sections of the Act of Parliament that the evicted tenant should receive compensation for disturbance, and be allowed for the value of his improvements. Was anything ever more just than these two professions, but what were they intended to guard against? First—capricious evictions; that the landlord who was receiving his rents punctually, paid to the day, or in the half-year within the gale, either as it might be, that he should not suddenly and capriciously evict the tenant from year to year. Capricious evictions! that was the main object, to stay that notice to quit; and frightfully needed it was. When every tenant, in some cases that will be laid before you, when he received that receipt, turned to the back of it—for there was an obverse and inverse side—and there was the notice to quit, the man who paid

the rent to the day under what was called by Lord Dufferin "an impossible tenure—a tenure which no Christian man would offer, and none but a madman would accept."—But the idea of a notice to quit, not following upon anything that occurred, endorsed on the very receipt for the rent! I could scarcely believe it, but the fact is so, just as surely as I have the honour of addressing you. Well now, that was one great object which Mr. Gladstone had in view; and, gentlemen, the other was the value of the improvements. And surely, if the tenant improved his farm; if, instead of a miserable cabin, that he built a little house, that he drained the land, that he improved it in other ways, would it not be just and fair that, if the landlord thought and said, "Well sir, I want you no longer, you are to quit my land." "Well surely I ought to receive money for the improvements I have made. We have toiled on it, my children have toiled upon it, we have all endeavoured to pay the rent and we have failed. Well, then, at least give us an equivalent for the improvements we have made." Was it fair? Was it common honesty? To effect these two objects was the object of the Land Act. Never was anything more just than the effectuating of these two things. The compensation for disturbance was fixed and regulated by a scale, in certain cases as high as seven years of the rent, but never to exceed £250. Now, that dealt with three provinces of Ireland, it had little to do with the North of Ireland and the Ulster Custom, and it provided then a remedy where the parties either did not seek to avail themselves of the Ulster Custom, or where there was no Ulster Custom existing. By section 9 of the Land Act it was provided that the ejectment for non-payment of rent should not be deemed a disturbance within the meaning of the Act, except in certain circumstances that will be noticed hereafter—that was introduced in the Lords. Gentlemen, you will observe the consequences of that by and by, when the famine took place in Ireland. The consequences of the Act in relation to ejectments for non-payment of rent; that was not availed of to a great extent at that time. The Act worked fairly well for some time; during years of prosperity the tenant was able to pay his rent in most cases, and the landlord was afraid to clear them off; owing to the heavy penalties which the Land Act had enforced, he could not gratify his will, he could not indulge his caprice, it was no longer a useful or profitable thing to add that little angle to the rest of his land, or throw it into the large sheep walk, for if he did he was bound to pay for the improvements; and thus, gentlemen, things went fairly on for some time so long as prosperity lasted. But, gentlemen, between 1871 and 1877 I lament to say that the rents in Ireland were largely increased. Now that increase of rent I regard with horror also. If parties enter into the relation of landlord and tenant—tenant from year to year—and the man pays the rent faithfully and greatly improves the land and works upon it, is it not a shocking thing to say that there should be a sort of periodical review, and that the agent can come on the land and say, "This land is worth more than you are paying for it"? But the poor tenant will say—"Who made it worth more—was not it my right hand that did it, the might that slumbers in the peasant's arm; my wife and my children aided me in the improving of this land?" "No matter, you must pay a higher rent." And, therefore, it is much to be regretted that before the famine the rents had been increased in Ireland. Gentlemen, in 1877 the bad times commenced—the farmers suffered from the terrible misfortune. 1877, 1878, and 1879 were fearfully bad seasons; and speaking to Dublin gentlemen engaged, I presume, in commercial pursuits, I am here stating nothing that is not perfectly correct and

capable of proof, and to you here the knowledge of the bad seasons must have been perfectly patent. The deficiency of the potato crop in those years was something dreadful as compared with the three average years of the previous decade; and, gentlemen, I may tell you that the deficiency in the potato crop as compared with the three average years of the previous decade amounted to ten millions of money. It is scarcely credible, but it is perfectly true, as that the sun did shine for a short time to-day. Gentlemen, there is no doubt at all about it. Gentlemen, I will read for you with regard to the potato crop—which is a most important crop for the poor—a statement showing it was more than one half less the year before last than in 1874, five millions in 1878. The loss of this all belonged to the distressed districts. During the six years ending in 1876 the estimated value of the potato crop was nearly £9,500,000 sterling, in 1877 it was about £5,250,000 nearly one half; in 1878 it was £7,500,000, and in 1879 it dwindled to £4,250,000; this made a loss in the three years of about ten millions in potatoes alone, according to the valuation not only in "Thom's Directory," but in the still more important statement which I will read for you. The whole valuation of agricultural land in Ireland was £11,000,000 of which £5,000,000 was in the distressed districts of the West, so that with the loss of the potatoes for the last three years amounted to nearly the whole valuation of the country; and taking the distressed western districts, the loss must have greatly exceeded the entire valuation of the land. There never was such a calamity in our memory except the dreadful famine which had prevailed before. Gentlemen, I have taken infinite pains to ascertain the correctness of that statement. I would have believed it from the lips it fell from, he is incapable of stating a falsehood; and, gentlemen, I have in this court the best authentic history of the time, the records of Parliament, the very Hansard which reports the speech of that gentleman. Gentlemen in the House of Commons are furnished with their speeches to have them corrected; they have the fullest opportunity of correcting them if any mistakes should occur. What I have now read does honour to a man who has endeavoured to acquire information for his country; that man is the Right Hon. Hugh Law.

Gentlemen, the second cause of suffering is the commercial distress in England. The wildest stories have been circulated, the falsest suggestions have been made as to the conduct of those gentlemen I have been endeavouring to defend. It was said the distress was attributable to them. Perfectly mistaken. It was the commercial distress in England which, of course, had a reactionary influence. Of course, from that cause there was a shrinking of the markets for Irish produce, and it hit the graziers. The third cause was that during these years of 1877, 1878, and 1879, owing to measures connected with the American tariff—for they rigidly excluded our manufactures—endeavouring to gain information, I learned from one of the first manufacturers in Ireland, who was able to send his goods to America, though 30 per cent. *ad valorem*, used to be the charge, they raised this to 50 per cent., and he is utterly cut out of the market. Gentlemen, as to the American tariff—they look to their own interests—and the protective duties are enormous. In consequence of that protective system—a very foolish thing, because free trade is the wisest thing in the world if only reciprocal—but the rates from America to England have become almost nominal, and ships carry at a very low rate every kind of produce into the country. Owing to these concurrent causes which I have stated to you, the payment of rent in these miserable places became impossible. The

Irish landlords in the distressed districts in the west and north-west commenced evicting for non-payment of rent. Now, go along with me, and follow my reasoning; I ask you respectfully. Remember what I told you about the Act of 1870, and the objects of that Act, and that non-payment of rent was not one of those in reference to which there was any penalty. You may eject for non-payment of rent, says the Act of 1870, except under particular circumstances. Then the ejectment for non-payment of rent in the time of dire distress was utilized—a most cruel mode of proceeding. Well, gentlemen, that was the period selected, and they commenced evicting for non-payment of rent, and then the tenant so evicted was utterly deprived of any compensation for disturbance, and he was utterly deprived of any compensation for improvements. and thus the landlord obtained by evicting the tenant for non-payment of rent, the benefit of the improvements which the Land Act declared to be the property of the tenant. You will see that the Land Act, in the 3rd and 4th sections (they are very simple, and you can understand them as well as any lawyer) the 3rd and 4th sections do provide for the restraint of capricious evictions and the payment of a good sum as value for the improvements. But by the 9th section there must be no charge for improvements, counter-charge or counter-claim, unless under certain specified circumstances.

(Here the Attorney-General said something *sotto voce* to Mr. Macdonogh).

Mr. *Macdonogh.*—I should have said "disturbance." I am very much obliged for the correction. I said by mistake the word "improvements" for "disturbance." It had no reference to improvements at all. The tenant lost all the benefit of improvements. The Land Act of 1870, by the 9th section, enabled the landlord to bring his ejectment, and there was no claim, no counter-claim for disturbance. Well, gentlemen, that was the state of things, and in the five years—now mark these figures and facts—in the five years ending in 1877, before the fearful years commenced, there had been 503 evictions on an average for three years—we will say 500 a year. Gentlemen, in 1878 they increased to 743. For three years prior to 1877 they were 500 a year on an average, and in 1878 they increased to 743. You will be astonished to hear that, in 1879, after those three dreadful seasons, the evictions increased to 1,098. That is when the people were utterly unable to meet the demands, utterly unequal, then the opportunity was seized. "Now is the time. They cannot pay. Ruin has fallen upon the people." Unfortunately that was the course adopted in the former famine, and it was natural for those men whom I now defend to say by analogy that what happened in the former famine, the same thing would occur now, and we must guard against it. These are the figures. In 1879 they increased to 1,098, and mark you this terrific fact, that in the short period up to June, 1880, in the year 1880, the evictions were 1,073 in half a year. They had risen to 1,098 in 1879, and they had risen in six months of the year 1880 to 1,073, which, multiplied by 2, the result would have been something close upon 3,000 evictions for the year 1880. Well and truly is it reported of Mr. Gladstone to say that eviction was a sentence of death. What was to become of the unfortunate individuals thus cast out upon the world? It certainly did show to them, in the instances I shall have to enumerate, the kindest feeling is promoted by the men whom you are to send to gaol. You are to immolate them—you are to send them to gaol—and they were the very first men who raised the cry of distress, who first announced the impending famine, and the first to take a single step to aid our people.

The Court then adjourned. On resuming,

Mr. *Macdonogh* said.—If your lordships please. Gentlemen of the jury, I was mentioning to you, when their lordships were good enough to adjourn, the number of evictions which took place up to the middle of June, 1880, and I stated certain figures for you, and, gentlemen, I will repeat them from a more authentic source than mine. Gentlemen, the average evictions for five years, ending in 1877, was 503 for each year. In 1878 the number of evictions was 743; in 1879 it was 1,098, and up to the 20th of June, of the present year, it was 1,073; and I am reading for you the language of a Minister of State in this year—the virtual Governor of Ireland—the Right Hon. Mr. Forster. That is his language. He had the constabulary returns presented to him. He, whose word is undoubted, and he who states, I am sure what is true, he tells you that, and there it is; and I have *Hansard*, and I have taken care to have the most authentic evidence of everything—that is my statement now—he who had the constabulary returns which had been furnished to him, returns furnished by clerks of the peace, and returns which had been furnished by every means in the power of the Government or within their learning; he tells you this, and there are the shocking and indubitable facts. Gentlemen, mark you what I purpose to do, and what I am showing is the state of things that called into activity the Land League, just as I illustrated what called into activity the Corn Law League of England. Gentlemen, the evictions grew in multitude in proportion to the distress of the country. Now, I assert nothing that I am not capable of proving—they grew in extent with the distress—the evictions grew in multitude and in numbers in proportion to the distress of the country—not in the inverse ratio, as you might have expected—the greater the distress, the greater the paucity of evictions—that is what a man would have supposed. No, it was in the direct ratio—it was in the direct ratio they grew—the multitude of evictions grew in proportion to the distress in the country. The tenants were unable to pay the rents utterly, and accordingly the ejectments for non-payment of rent had just the effect of seizing upon and confiscating any improvements which these poor people had made. Gentlemen, I have told you upon authority the number of actual evictions. What evictions are, we shall by-and-by have to state. But now let us see the number of ejectments, furnished from the most authentic sources in Ireland. They rose from 1,269 in 1877, to 3,893 up to the 20th of June, 1880. At a time when ejectments ought to have been spared or discontinued, they actually rose from that number in 1877; when prosperity ceased they rose from 1,269 to 3,893 up to the 20th June, 1880—the same period. The people in many of these cases of ejectments had no defence, and they were put back as caretakers. What was the result of that? They became the servants of the landlord, and not the tenants, and the magistrate upon a week's notice had the power to terminate their transient possession. Gentlemen, that was the state of things, and now remember that this Irish party as they are called—the Leaguers—when they had sounded the notes of the dreadful famine approaching, nobody minded them and nobody believed them. The people in Dublin, engaged in their commercial pursuits, had no time to think of the dying wretches in the north-west of Ireland; at least there was nothing done about them. That was the state of things in the month of October, 1879; but in 1880 the Irish party brought in this little bill, and they virtually compelled the Government to take steps for the amelioration of the condition of the people, and that Bill was brought in in 1880, and ordered to be printed upon the 28th of May, 1880. It was prepared and brought in by Mr. O'Connor Power, Mr.

Gray (the late Lord Mayor of Dublin), Dr. Commins, Mr. O'Shaughnessy (of Limerick), and Mr. Synan, and that short Bill simply contained this—"That ejectment for non-payment of rent shall not be deemed a disturbance of the tenant; but in case the tenancy of the holding be determined by such ejectment for such non-payment of rent, the Court shall consider such determination the same as disturbance by the act of the landlord, without prejudice, nevertheless, to any rights which such landlord may have in said Act, or otherwise; any deduction further to be a set-off against the tenant's claims for compensation under such Act for such disturbance by determination of his tenancy." That was a short Act which they thought was absolutely necessary to save the tenant. They knew well, no doubt, the state and condition in which they were, and that if the evictions were not stopped the ruin of the country—probably a social rebellion—might have been the result. Accordingly that simple Bill was introduced, reciting the omission in the former Act, and reciting the 9th section of it; and then it said—"In case of the determination of a tenancy, on the part of the landlord, for non-payment of rent, the Court shall consider such determination as a disturbance by the landlord, without prejudice," and so forth. Upon the representation of the Government that Bill was withdrawn by the Irish members. As soon as the Government were about to take it up they at once acceded to the withdrawal of their own measure, and a Bill —the Bill of 1880—a short and simple one, was introduced, which was to make temporary provision with respect to compensation for disturbance in certain cases of ejectment for non-payment of rent in parts of Ireland. Mark the modesty and moderation of the title! It was "to make temporary provision" until it should please Providence to restore the country to its normal state—"Temporary provision with respect to compensation for disturbance in certain cases"—not in all cases—"of ejectment for non-payment of rent"—and not in all Ireland—but "in parts of Ireland"—in the scheduled parts, where misfortune pressed the most heavily. "And whereas"—and then comes the preamble—it is in perfect accordance with that, "having regard to the distress existing in certain parts of Ireland, arising from a failure of the crops, it is expedient to make temporary provision with respect to the compensation of the tenants for disturbance by ejectment for non-payment of rent in certain cases." And then what is the proposal made. To try to prevent ejectments for the short period of two years—ejectments for nonpayment of rent for two years if possible. To effectuate that, and how was it to be effected. Not by declaring, "You shall not bring your ejectment," but by declaring, "If you bring your ejectment you shall pay something for it. You shall pay the penalty for disturbing these unfortunate creatures where he is unable to pay rent. You know he cannot pay the rent, and you know you can evict him for nonpayment, you know you can turn him out on the road with his wife and family to starve; you know you can take possession of anything left behind him on the land and of the land itself, and everything growing in it. You know that. Well then for a period of two years you shall be the disturber if you do it—not that we will prohibit you from exercising your legal rights." The necessary result was that for two years there could be no ejectment for nonpayment of rent in the scheduled districts—in the miserable places in which the famine reigned and where the unfortunate beings were unable to live. Ultimately they would have perished but for the relief which benevolence gave them. And the provision was that, "that ejectment for nonpayment of rent for the recovery of the possession of a holding

situate wholly or partially in any of the Poor Law Unions mentioned in the schedule hereto, or where any electoral division is specified in the said schedule, situate wholly or partially in such electoral division, and which shall be commenced after the passing of this Act, and before the 31st of December, 1881, or which shall have been commenced before the passing of the Act, and in which no judgment or decree for possession shall have been executed after the passing of this Act, or before the 31st of December, 1881, shall be deemed and declared by the court having jurisdiction to hear and determine land claims in and for the county in which such holding is situated, to be a disturbance of the tenant by the act of the landlord within the meaning of the 3rd section of the Landlord and Tenant (Ireland) Act of 1870, notwithstanding anything contained in the said Act." And, gentlemen—"if it should appear to the court that such non-payment of rent by a tenant, owing to his inability to pay caused by such distress as aforesaid." Mark, it even modified and limited and qualified the relief which it justly gave. The 9th section of the former statute did not provide for that, "but for two years let us provide for it a temporary relief; but even then we will respect right." And "if it shall appear to the court that"—(these are the conditions)—"such non-payment of rent by the tenant is owing to his inability to pay, caused by such distress as aforesaid"—If, on account of the distress which three years of famine have occasioned, this inability to pay arises, that is one of the cases in which there can be no ejectment against him for two years—"If the tenant is willing to continue in occupation of his holding upon such reasonable terms as to arrears of rent, and otherwise"—that is number two—"and that such terms are refused by the landlord, without offering any reasonable return"—then the tenant would be entitled to claim compensation for disturbances. I put it to you, and submit it to your judgment—and I do not wish to make any oratorical display—I am too much interested in my clients to think of anything personal to myself—I put it to your judgments, and I argue with you as men of common sense and common feelings, is there a man amongst you who will say that that was not right and just that this major power—the power that rules the world—after afflicting this country for three consecutive years—during that time misery and unusual distress followed, the people were unable to pay their rents, and now what does the little Bill say, that for two short years let there be a cessation. They have shown that their inability to pay rent arises from distress, and if they say that they are willing to continue in occupation at a fair rent, and if the terms are refused by the landlord without offering any reasonable alternative, if these three things should occur, why, gentlemen, I appeal to you, I submit it to you as honest men, I ask the intellect of every man to be applied to this state of facts, and I say it is demonstration plain, and that is the reason that I am bound as an honest man to say the Government had good intentions; I cannot state that which I do not believe to be true, they meant well—I believe it to be true that these two bills evidenced that they meant well, but they failed. They failed—all the great men in England failed. Every effort to benefit the tenants failed—that bill was thrown out, cast out, gentlemen, and even that small boon of relief was refused to the unfortunate Irish tenant. Send to prison the men who sought to alleviate that condition. Do, if you can. The principle of the law is, in doubtful cases—"acquit the prisoner." The principle of the law is,—"acquit the man if you can; convict him if you must," and to be told that these men are now to be sentenced and sent to the prison—"Cease to do evil; learn

to do well,"—and you will learn there that succouring the oppressed was an evil and a wrong, and that twelve gentlemen of the city of Dublin—twelve special jurors, thought they could best assist the unfortunate Irish tenant by saying "that was an act for which you ought to be imprisoned and degraded." I trust, I shall never hear such a verdict from that box. I am persuaded, I humbly hope—but it is for you to judge, and not for me—I am persuaded, that exercising your honest judgment, you will never come to so absurd a conclusion, and that when you shall have heard the whole of our case the solace that you will have will be this—nothing but to acquit the prisoners without the slightest possible hesitation, and if so you will be remembered by future generations as the men who, not constituting the packed juries of former times—men honestly and fairly representing differences of opinion in creed and in politics—that you came to a conclusion which saved fourteen men from degradation, and yourselves from perpetrating a crime. Gentlemen of the jury, what good, of what utility have these prosecutions been? The first memory I have is the memory after being called to the bar, of dropping into the Green-street Courthouse to hear a learned, and a very high personage he was then—they were men of great fortune on the bench—to hear him pronounce sentence against an unfortunate man charged with conspiracy to resist the payment of tithes. Well, if I am addressing Protestant gentlemen, I ask them to say that although in the Catholic times, when men were all of the same religion, to pay tithes was the course that was prevalent; but when the English Government thought fit to introduce the Established Church into Ireland, it would seem hard on the people, I confess, and I put it to your judgment to say, that it was hard upon the people to think that every tenth sheaf of corn should in kind be handed over, and that every tenth pig and every tenth sheep, and so on, should be handed over to a religion and a clergy the ministrations of which they did not enjoy. It was hard upon them. They bore it for years. At length they were awakened to a sense of the wrong; they formed into companionship to defeat and to prevent that unjust law, and the result was that they succeeded. Lord Derby, to his immortal honour, converted that payment in kind into the Tithe Compensation Acts, thus relieving these unfortunate persons —professors of a different creed—from being subjected to the payment of that which they ought not to pay. Why do I refer to this? You have heard it referred to in the progress of these proceedings. I will tell you what happened on that day. I went to hear judgment pronounced, amongst the rest, upon a member of the Bar, and he was condemned as a conspirator for having assisted the people in endeavouring to get rid of the tithes. And what was the result? Although he was convicted, in a very short time afterwards he was sent out as Attorney-General to Gibraltar. Marcus Costello—I knew him well—as amiable a creature as ever lived. He felt for his countrymen; he was a Protestant and he felt for them, and he joined in the endeavours to relieve them. And that was his punishment. But that, gentlemen, shows the absurdity of it. What is the next?—the O'Connell case. He was twice prosecuted. First he laughed them to scorn, and the Act of Parliament expired before the date of the conviction, whilst he walked off to Parliament and did his duty there. What became of the others? A gentleman who was convicted with Dan O'Connell—that gentleman is a knight—knighted by Her Majesty, and holds high place under the Crown. What do you say to that? What is to become of this case? Oh, Mr. Parnell, it reminds me of what Gambetta said not long ago when he heard that the Duc d'Aumale was likely to succeed to the presidency of

the Republic. "Tut, tut," said he. "The Duc d'Aumale! Why, he is not even a barrister." *He* knew the way to fame. *He* was a barrister and a very great man, notwithstanding that you may differ in opinion with him. Poor Mr. Parnell is not a barrister. Now, my learned friend, the Attorney-General, was rather severe upon them all because they were not landowners. Well, but my learned friend—he didn't mean it, I am sure, but did he never hear of lawyers—poor innocent creatures—who went into Parliament; who had no land of course. They went in, gentlemen, for the benefit of the public only, not for their own views at all. You must not attribute that to the junior bar. You cannot allow it at all. But, gentlemen, Mr. Parnell is not a barrister. Mr. Parnell has no object to gain, but he feels for his country and for it only; and if he has erred and if he has used—though indeed he has not used any extraordinary or exaggerated expressions—and if those who sympathised with him, and who, though not joined with him in a conspiracy—if each educated himself respectably into the possession of the belief that his country is suffering wrong by reason of the relations of landlord and tenant, and wish to have his country freed from it, he could derive no advantage; and if he should be convicted and sent to the prison on the South Circular-road—which, God in His mercy avert, and which I firmly believe never could occur in any civilized community—if so, he could gain nothing whatever by it, except just to learn that any attempt at reforming an abuse is a very serious step for any man to enter upon. Gentlemen, there is not the least question that persons who profit by abuses are always furious at the person who endeavours to reform them.

Gentlemen, I could illustrate this in a manner much more solemn, but I would not venture in a court of justice to refer to the greatest Reformer that ever lived. Now, in the first place, that Bill had been thrown out and that was the state of things, and if you look at the scheduled parts of Ireland enumerated on the back you will see them marked black, as contradistinguished from the rest of the country, and that I shall present to you. Now, gentlemen in the proceedings upon this Bill considerations of the greatest magnitude arose. Gentlemen, there was one great system of law, founded in great part by the Roman emperors, and which pervaded all civilized Europe, and that law, although, of course, oppressive wherever crime came to be the subject matter, and when, unlike our judges—our judges are free and independent, and cannot be deprived of their offices, but exhibit at once dignity, courtesy, and bearing—but when men, such judges as frequently existed in the great old Roman Empire had to administer law in criminal cases, it fared ill with the unfortunate beings. But as to the civil law, it was, perhaps, certainly equal to our own system, if not superior: and, gentlemen, one of the provisions of that old law was this—that in a case where, by reason of the *vis major*—the greater power, by reason of the calamities of the season lands did not prove productive, the rent was either suspended or extinguished. That was the law of all civilized Europe, being derived from the Pandects of Justinian. That law was so consonant with justice that I would almost regret that it had not been first adopted amongst Christian communities. The landlord just lets the land—"then it is make the most of it." The tenant invests seed and the labour of a life, and the labour of his children, and he fails. There is a blight upon the crops, a terrific thunderstorm with hail happens, and injures the crops—has he to go to the landlord, who merely let the land, and pay rent for that year? No. What do the great jurists of Justinian say? "No," the very

contrary, and accordingly it was that all the distinguished men who framed that Disturbance Bill thought that that ought to be the law in this country for a partial time—for at least two years—and that seems to me to have been justice. Lord Selborne, the present Chancellor of England, says "It is not irrelevant to observe that whether the principle is in this Bill carried far enough or too far, it is still a principle which has not been without previous recognition. That the Legis lation of the Digest, and France and other countries has been founded upon it is, of course, no rule to us, but it may at least serve to show us what the most civilized nations have in circumstances of the same kind held to be consistent with justice. The law laid down by Ulpian and Papinian, two great writers on the civil law, was part of the Prætorian or equitable system of the Roman jurisprudence and not made law by positive enactment. That law was not that there should be remission of rent—that's a total abolition—but that there should be a suspension of it during a failure of crops from very extraordinary bad seasons, which might afterwards be made good if times should improve. That equitable principle is not entirely unknown—remark, to Ireland, and that was the equitable principle of the most civilized people in the world, who then ruled over Italy, Spain, Gaul, and Germany. They were the masters of the habitable world, but they shrunk back from the mists of Scotland—that bold and gallant Caledonia—which never lost its liberties to any of them upon any ground—never. But they shrunk back from the mists of Scotland. They were owners of the finest regions in the world, and they would not venture to go beyond that. They need only go to Cumberland and Westmoreland to see the wonderful works and labours of the Romans. This law, this equitable appropriation law, was not so entirely unknown to Ireland; something exceedingly like it had been known there as part of the settled equitable system of the country. There are two cases Lord Selborne refers to, and which he says are reported amongst the decisions of your lordships' own house, the one decided in 1701, and the other in 1715. In the rubric or head note to one of these cases it is stated that—"It has been the constant rule of Courts of Equity in Ireland that where, by a general and national calamity, nothing is made out of lands which are a fund for the payment of interest, no interest ought to run during the continuance of such public calamity." And that rule has been not merely applied to the case of a jointure, and interest due to a mortgage, secured in each case by a lease reserving a fixed rent, but also in favour of an ordinary tenant under the mortgagor, who was held to be equitably excused from paying his rent, when his farm had been laid waste by Rapparees. That is a curious symbol, and I must tell you, gentlemen, what the Rapparees were—the Roman Catholics of Ireland were designated by their enemies Tories, rogues, and Rapparees; and accordingly, gentlemen, when the Rapparees had done this the case came before the House of Lords, and he was held to be equitably excused from paying rent when his farm had been laid waste by the Rapparees. "The principle lying at the bottom of these cases is one applicable generally to public calamities, and there is, I maintain, an unwritten equity which all men's hearts and consciences acknowledge, even when they do not think it expedient to make it the foundation of law, which prescribes forbearance and moderation and a postponement of claims under such calamitous circumstances. It is that unwritten equity which leads English landlords so liberally and generously to make voluntary remissions of rent. It is that unwritten equity which was the foundation of that enormous precedent for interference with contract—the Irish

Land Act. Before that Act the landlord, as far as law or contract went, might have appropriated the improvements of his tenants, might have disregarded the Ulster Custom, and elsewhere might have turned tenants out of their holdings without any payment. But, by that Act, you, my lords, interfered with contract, allowing no compensation for the interference, in the interests of the public peace and public good, and in the real interests of property itself. I do not represent this Bill to your lordships as a development of, or as corollary from, the Irish Land Act; but in principle it is a far smaller interference with the rights of property than that Act was. We have other dependencies besides Ireland, and those immutable principles of justice to which the noble and learned lord appealed are applicable wherever we rule. In India we have done permanently by our legislation more than your lordships are asked to do temporarily by this Bill. The 23rd section of the North-West Provinces Rent Act, 1873, enacts that—'Whenever in any land the crops have been damaged or destroyed by any cause beyond the tenant's control, any officer empowered by the Local Government in this behalf may, subject to . . . such rules as to appeal . . . confirmation, or otherwise, as may from time to time be prescribed by the Board, order that the whole or any part of the rent then payable for such land shall be remitted, or that the payment thereof be suspended for such period as he thinks fit.' The rent here spoken of is not the land revenue payable to the Government, but the rent, properly so-called, payable by the ryot or cultivator—(like our tenant)—to the zemindar or landlord. Again, in a Blue Book just presented to this House, the Report of Indian Famine Commission—they recommend an extension of that law to the other provinces of India. It says :—"The relief to the tenants might be secured in one of two ways—either by passing a law similar to the provision in the present rent law in the North-Western Provinces, under which the Government might declare, in any given case, that the payment of the whole or a part of the rent shall be suspended, a corresponding suspension of the land revenue being at the same time granted to the lawful recipient of the rent; or, if such law were thought inexpedient, by making the suspension of the land revenue contingent on the suspension of the rent. We are not in a position to say how far the extension of the principle of the law of the North-West provinces to all parts of India might become practicable; but we are of opinion that the principle is equitable, and should, if possible, be so extended." And can it be believed that in a portion of the United Kingdom there is not a law similar to that which prevails in that vast dependency of England. Gentlemen, the people of England are bound to govern India with due regard to their interests. They know well, and their statesmen know, that if they did not introduce equity and justice as between the cultivators or ryots, and landlord or zemindar, the result would be fatal to our Dominion. We ask for the same justice in Ireland. We said—these men have said—during this year give them Griffith's valuation if you possibly can. But you have duties before God. You must provide for your wife and children, and you must pay the seed merchant and the banker. Pay them if you can. We don't require that you shall relinquish the relation which exists at present; we must see what can be done for you. That is the statement of the greatest lawyer of his day. I don't hesitate to say that, for I have had opportunities of judging; and independently of being one of the greatest lawyers, he is one of the best men that exists in the United Kingdom—Lord Selborne. Mark. He drew forth the treasures of his knowledge—he who had been educa-

ted in all our civil law, the equity law, in which he practised so successfully—he to whom the whole sphere of the law is familiar—he drew from his vast resources, and he cited in favour of the poor Irish tenant, his client at the time—he was not his client—but it was as a great senator administering justice he gave his opinion of the laws—"Deal with the Irish tenancies as you do with the ryots upon the distant plains of India." Going from step to step in the case, I am endeavouring to unfold to you, and I hope you will see as I go along how I will endeavour to make them all converge upon one great and important point—what is this land question? Why was it necessary? Why was the Land League necessary, and what was the origin of it? Previously to the rejection of the Disturbance Bill in the Lords the Land League had been largely a charitable organization. I am certain of that, and I will prove it. I cannot call these fourteen gentlemen; their mouths are sealed; they are conspirators who are said to be guilty of crime, and consequently not to be heard in a court of justice. But previously to this they had been chiefly a charitable organization. The first meeting was held on the 22nd October, '79. Gentlemen, I pause now to read for you the document virtually forming this organization. My learned friend, the Attorney-General, has most correctly endeavoured to show what the various documents were upon which they acted. I will read it for you because you will observe that my next proposition is this, that in the origin of the Land League, in the formation of the Land League, and in the view contemplated by the Land League there was no conspiracy, there was nothing to render their proceedings obnoxious to the law. When I look at the honoured names of those who met at that first meeting, I know as a matter of fact that whilst they are faithful to their country they are incapable of contemptible conspiracy and wicked design such as are attributed to them. Gentlemen, I see in this very Court with pleasure the appearance of one whom I had formerly the honour of a slight acquaintance with, a man distinguished and able, who no more would be guilty of the crime than any man who hears me—I am speaking of Major Purcell O'Gorman, a gentleman in all respects—of birth, and education and conduct. He will pardon me for referring to him thus, but it is necessary to do so when these unfortunate gentlemen are charged as conspirators. He was one of those who originally was a party to the formation of the Land League and so were several other Members of Parliament; and then to say that these gentlemen who have acted as they have done and written this document, which was as it were the title deed of this organization—to say that they are conspiritors—gentlemen, I scoff at the idea. I see the very first name is the name of that gallant gentleman, Major Purcell O'Gorman, member of Parliament for Waterford, and others, including several Roman Catholic clergymen—men who lent their positions to the formation of this League, being satisfied that the time had come when it was necessary to do something for Ireland. Have not I shown you, and it was necessary, that for years, nay for centuries past, the misery of the Irish people was brought before the Legislature. But in vain. When everything having failed, the people were obliged to associate themselves together for the purpose of endeavouring to stop evictions, to prevent the destruction and murder of the tenants, and to obtain freedom of a just character in reference to the entry into contracts between landlords and tenants. The first meeting was held on the 21st October, and the first resolution was proposed by a clergyman, "That an association is hereby formed to be named the Irish National

Land League; that the objects of the League are first to bring about a reduction of rack rents; secondly, to facilitate the obtaining of the ownership of the soil by the occupiers." Perfectly legal in both respects. Every man who wishes well to his country, who wishes well to his children, and his children's children, desires that there should be a peasant proprietary in the country. It does not conflict with the rights of the superior class of landlords at all. But sure we know, as every man of sense whose mind is not warped by prejudice, knows that the strength of a country consists in its people, in its men. The beauty of a country may consist in its women, but I am speaking of the strength of a country, and it is perfectly manifest that to have a peasant proprietary would be of the highest possible advantage. Who would dare invade the country if there were so many thousand men in each county faithful, because feeling the benefits of the Government under which they lived—faithful to that Government. Who could dare invade the country then. Fortunately the silver sea separates us in our island homes from the rest of the Continent. Those who know anything of the Continent know the misery endured by those who live on the borders, which are sometimes scarcely discernible one from another, sometimes marked by a custom house, sometimes by a narrow stream, and liable to incursions at any time. We, fortunately, live in an island; but what can more tend to strengthen the country, to increase its defences than the possession of a large peasant proprietary, each occupying his twenty or thirty acres a man, supporting himself honestly and uprightly. What could tend more to make a nation great? Will a few herds that tend a thousand bullocks repel an invader? Can they do ought to save the country? No. Therefore, the objects were all legal and proper, and every man who takes a large view of human affairs and of the benefit of his country must know that to create a race of men that will be strong and determined to support their country is the wisest thing that could be achieved. What has preserved the freedom of Scotland? what but the sternness of their nature. In wild Caledonia, that country of fogs, there were a race of men unconquered and unconquerable, brave, patriotic, living each upon the soil, whether highland or lowland—to cultivate a race of men like that is so far from being a subject of conspiracy that it is a subject of positive laudation and ought to be. What are the objects of the League proposed by Mr. Parnell and seconded by Rev. Father Sheehy? That the objects of the League can best be attained by promoting organization amongst the tenant farmers, by defending those threatened with eviction, by refusing to pay unjust rents, by facilitating the working of the Bright clauses of the Land Act during the winter, and by obtaining such reform in the laws relating to land as will enable every tenant to become the owner of his holding by paying a fair rent for a limited number of years. Nothing could be more fair or legal, and in the very inception—and a great and material point in my case is this, that the formation of the League rested upon law, that it was not for offering violation to the law, that there is no touch of illegality connected with its proceedings, and that if you find that the original objects were legal you are then driven to the other mode which lawyers have invented in their formula—well, then, no matter how good or how legal your original objects you cannot pursue them by evil means, and if we find any deviation from the law "down upon you, eat your potatoes, slave, and hold your tongue; you are not to say one word against the landlord." The next is, it was resolved, on the motion of the Rev. Father Sheehy, that the President of the

League, Mr. Parnell, should proceed to America to obtain assistance from our exiled countrymen and other sympathisers of the League so formed; that none of the funds of the League shall be used for the purpose of landlords' interests in the land, nor for the furthering of the interests of any Parliamentary candidate. Objects, pure objects, good objects, which no man could venture to assert would be illegal. There has been no positive proof, then, on the part of the Crown, that even in the original formation of the League there was any culpable illegality. I shall now read to you once and for ever the appeal made by the League to the Irish race. You have not heard it yet, and, therefore, it does not fall in with what I said before:—

"The land and rent agitation which has originated in the West of Ireland, and is rapidly spreading throughout the country, has now assumed such national proportions that it becomes a question of first importance to all who sympathise with its legitimate objects how best to guide this popular movement to the attainment of those ends. Temporary abatements of excessive rents are being and may continue to be obtained through the various agencies of a sympathetic but unorganized advocacy which the existing widespread and alarming distress elicits from the Press and bodies of the community; but without the creation of some constituted guide or directing influence, the primary if not the sole cause of the existing poverty of the agricultural classes will not be removed.

"Independent of the effect which the products of the vast free lands of America and other favoured countries must have in competition with the produce created under rent-tied and paralysing conditions in Ireland, almost all the evils under which her people suffer are referable to a land system glaringly antagonistic to the first principles of justice and fair government, which place the good of the greatest number above the privileged gratification of the few. Landlordism, founded as an institution of systematic partiality, has proved itself but too true to the spirit of its origin by reducing all who are dependent on, but unprotected by ownership of the soil, to a degraded, semi-mendicant existence, and in addition induces the loss of that independent character which arises from an independence of position.

"The duties which feudal laws and customs exacted in return from those in whom they recognised certain arbitrary rights, have been ignored by Irish landlordism in its relations to the soil and those dependent upon the fruits of its cultivation; thus adding to the other indictments against the system a non-fulfilment of essential obligations.

"Any land system which does not tend to improve the value of land and enable cultivation to meet the exigencies of those dependent upon its produce, stands self-condemned as barbarous, unjust, and reprehensible.

"The diminished population of our country, the millions of our race who perished in or fled from a land in which God intended they should not die by hunger; the continued struggle with poverty which those have to maintain who yet cling to their native soil; and the periodic climaxation of the impoverishing influences which landlordism exercises upon the social life of Ireland, demand at last, in face of yet another impending national calamity, the application of a remedy which can no longer be denied the salvation of a people. In contrast to the social wretchedness to which a barbarous land system has reduced our country is the rapidly progressing prosperity of those people at whose

demand or for whose benefit such a system has been swept away, and the cultivator of the soil has replaced the landlord as its proprietor. The surplus produce of lands thus freed and agricultural industry thus relieved from rent taxation, is now placed by easy transit over sea and land, in competition with what is produced under conditions of land tenure the most unfavourable, and incentives to toil the least encouraging, that ever regulated the chief industry of any civilised country. When to this is added the adverse influences of successive bad seasons, on the point of culminating in what threatens to be the worst yet experienced since famine years, the position of the Irish farmer and those depending upon the fruits of his enterprise and labour assumes an aspect of menacing ruin, which to consider as transient or accidental would be a criminal disregard to the vital existence of a people.

"Impelled by the desperate circumstances of their situation, the farming and other classes concerned have proclaimed their grievances in public meetings and by the Press, demanding the remedies which alone can redress them. A consensus of opinion apart from immediate interestedness has declared that the remedy put forward by the present agitation is founded on justice, reason, and expediency, and that its application is absolutely essential to meet the evils complained of, and insure the prosperity and contentment of Ireland. In formulating a demand for ownership of the soil by the occupiers, in substitution for that of the landlords, the people of Ireland neither contemplate nor ask for the confiscation of those proprietorial rights which existing laws must necessarily recognise and protect; but that for the transfer of those rights to an industrial ownership, a fair compensation may be given to those who shall be called upon to agree to such transfer for the settlement of the agrarian strife of the country, and for the supreme good of its people."

I pause here, gentlemen, for a moment. You will observe the views here put forward regarding this agitation, as they call it. Yes, gentlemen, agitation, and I should like to know what good ever was achieved without agitation—I mean as to a public question. The Lord Lieutenant of Ireland once told Mr. O'Connell "Agitate! agitate! agitate!" He knew that was the only means whereby they could effectuate the noble purposes they had in view—the noble purpose of protecting his co-religionists from the despotism under which they suffered, and from the degradation and debasement to which they were subjected.

We know that over and over again for the last fifty years we have had gentlemen promoted according to their just merits—men who have been an ornament to the Bench and the Bar—men who have administered justice with ability, with dignity and impartiality—and all these eminent men would have remained still in a state of punishment and degradation were it not for those splendid efforts of O'Connell, who raised his co-religionists to the rank and position in the country they were pre-eminently entitled to. Gentlemen, I pause for a moment to say that one of my oldest friends has been but recently raised to an honour and dignity—I mean Mr. Sergeant Heron—which he never could have enjoyed, notwithstanding his talent and ability, but for those efforts of O'Connell. No man living, of all his friends, rejoiced more at the honour conferred on him, and I hope he will pardon me for referring to the subject even for a moment. It is necessary that I should show that in all this agitation has anything been planned that was not done for the good of the country, no matter how wild and exaggerated some of the expressions might have been. Now, see the fairness of the propositions here. Proprietorial rights were to be respected. It is only

where they were treated badly, and it is only where no relief whatever was given, that their views became enlarged. The prospective became more visible in the distance, and just as they went on each successive demand was larger than the last; but that does not make a conspiracy. On the contrary, it shows there was no community of purpose to perpetrate a wrong, to perpetrate illegality. Their views changed from day to day. So far from there being concert and conspiracy, there was the contrary. Here is the common end proclaimed originally. Legality in all respects. Let proprietorial rights be respected. Let the transfer of those rights to industrial ownership be compensated for in the fairest possible way. That is what they propose to carry out. "To carry out a project as vast as that which we contemplate must require means in proportion to the difficulties that must be encountered in the undertaking. Tenants' Defence Associations must be organized in every county and assistance be rendered to farmers who may be called upon to defend themselves against an unjust or capricious exercise of landlord power. The wealth of Ireland is almost entirely in the hands of that class which we purpose for the good of the country to deprive of the absolute possession of the soil, and it is but natural to expect that strong and influential opposition will be offered by those who will be called upon to surrender the privileges they have so long enjoyed—even in virtue of compensation and expediency. To meet this opposition, and guide the national movement for freeing the land of Ireland, assistance of two kinds must be forthcoming; the one, and most essential kind, is an organized development of earnestness, and a resolute attitude on the part of the six hundred thousand landless farmers of Ireland, as well as those whose daily bread depend upon the prosperity of their fatherland, in demanding their just rights as guaranteed in the settlement we propose. The second aid required is money. Neither has ever been wanting when the national spirit of our country and the patriotism of her exiled sons have been appealed to in a patriotic cause, and we are confident they will not be withheld now when the very soil of Ireland is the object we desire to free, and the land-slavery of our people the thing we are resolved shall be abolished for ever. None of our race have had such bitter experience of the wrongs of landlordism as those who have been compelled to seek abroad the food denied them at home, and none should more readily and generously sympathise with those who are resolved to retain their grip of their Irish homesteads than the exiled who were forced by inquitous laws to leave them." I pause there, gentlemen, on the language of one of the documents. What is the meaning of the expressions "Keep a firm grip of your homes; do not listen for a moment to the allurements of emigration. Keep a firm grip on your holdings; do not abandon them; if you be evicted, we will try to take care of you; the landlord won't evict you; it will do him not the least good; but keep a firm grip on your holdings; remain at home; do not emigrate?" Was not that good advice? Just as good as the advice which Mr. Wm. Lane Joynt gave when he delivered his speech in answer to Lord ———, I forget who. That was the meaning of that expression "Keep a firm grip on your holdings." A little more remains to be read:—"In the great Shelter Land of People ten millions of the Irish race have found a home. The system we aspire to abolish has banished them from Ireland. Benefiting by laws which afford equal protection and encouragement to all citizens of the great republic of America, they can appreciate the efforts which aim at affording equal incentives to progress to their crushed and persecuted kindred here. Not alone to our fellow-countrymen in America,

but to all whom evil laws have scattered the world over, as well as to all other nationalities who sympathise with a wronged and impoverished people who at last are resolved upon a remedy for the evils afflicting them, do we call for an advocacy of our cause and support in our efforts to achieve its success. In constituting ourselves a committee for the purpose of carrying out this work, we are animated with but one desire —to aid the tenant farmers and those depending upon the soil of Ireland to lift themselves from the misery and social degradation in which they are plunged, into a position where the notice to quit and the rack-rent will not operate against their industry, security, and contentment. We are influenced by no party spirit in making this appeal, nor do we in any way purpose to place this committee in antagonism with existing bodies or organizations employed in other departments of national labour. To free the land of Ireland from the unwise and unjust restrictions which militate against its proper cultivation and prevent the development of its full resources, should be a labour above the customary influences of party or sectional strife, and to be guided alone by motives of disinterested effort for the benefit of our common country, and the improvement, contentment, and prosperity of the greatest number of our fellow-countrymen. The grounds upon which we feel authorized to issue this appeal, are the fact of our being either directly or indirectly connected with the agitation which has sprung from the distress that has evoked a national condemnation of the present land system. As this land movement has won an endorsement from public opinion of an occupier proprietary settlement of the land question, those who have advocated such a remedy prior to and in conjunction with the national demand now made for it, feel themselves justified in taking such steps as may be best calculated to insure its application to the existing land evils of our country." That is the title-deed to the land. That is what they issue to the people of Ireland, to the world, produced on resolutions, every one of them innocent, not one partaking in the slightest degree of illegality.

And, therefore, gentlemen, taking my stand on the original formation of this organization, I proceed to narrate the further facts, which are material and necessary for my case. Gentlemen, the first meeting had been holden about the 17th October, 1879. At that time they saw, and saw clearly, the impending famine. Gentlemen, Mr. Parnell proceeded to America. He returned on the 21st March, 1880. He had visited in that time sixty-two cities in that vast continent. He had travelled 16,000 miles. He addressed the Congress of America, and he was the first stranger ever admitted to so great a privilege. They refused it to Kossuth, the Hungarian. They never granted it before to any human being. They felt for the distress of Ireland. They desired to know what her condition was. Gentlemen, he attended all those meetings, and he and that other gentleman in whom I feel interested, Mr. Dillon, that young gentleman accompanied him. He also was a member of a family well known in this country, highly respected as the name is everywhere; some belonging to the nobility, others to the gentry, others to the mercantile and professional classes. He accompanied Mr. Parnell, and it is a fact which will be proved before you if necessary, this gentleman, a man of good birth and lineage, walked about through these assemblies after he spoke, cap in hand, asking alms for the people of Ireland; and the gentlemen dropped the American notes and their dollars, and the ladies their jewellery, into their hats, and they sent home £48,000 for the relief of the starving people of Ireland. But they did infinitely more. A spirit of beneficence was excited. They felt as men to whom nothing was foreign that spoke of humanity.

Accordingly the hierarchy of America, as was natural, sent their money to the Irish Bishops; the mayors of towns naturally sent their money to the Mansion House Relief Committee. £300,000, including the £48,000, were thus obtained by Mr. Parnell; and, gentlemen, for his exertions you are asked to say he was a guilty conspirator, and that he ought to be convicted! This man who devoted his youth, his time, his talents, and fortune, to endeavour to benefit his country? Gentlemen, the sittings of the Land League during the autumn of '79, and the summer of '80, were devoted chiefly to the distribution of charity. A vast number of claims were considered, and funds were allocated and remitted to the far West. You saw to-day the best proof offered by my learned friend, that application for £158 to aid in the erection of a pier for the benefit of the poor fishermen, and that was granted. Mr. Brady, the Fishery Commissioner, did not in vain appeal to the charity of the Land League, and thus the Government and the Land League contributed to the erection of the pier. Gentlemen, after the rejection by the Lords of the Disturbance Bill, the evictions would have multiplied. There was nothing to stay them. The Bill had been rejected which had endeavoured to provide that if persons brought ejectments for nonpayment of rent they should be treated as disturbers during these two years if the tenants were unable to pay, or the landlord refused what was reasonable. Gentlemen, the vote of the Government had declared that Bill essential, but it was thrown out by the Lords, and in that state of things unquestionably the time for Parliamentary agitation had passed. What were the League to do? But what is the course adopted by this prosecution? Now, assuming, first, we cannot prove a conspiracy, we will prove that a parcel of men attended meetings at the League rooms in Abbey-street, attended meetings throughout the country, and spoke very much in the same tone, but altogether perhaps with different views. And the second means of proving the conspiracy is to show such a perfect coincidence of work as to lead to a common and illegal purpose. Therefore it is a great mistake to confound this organization, where public affairs are under discussion, and great public interests at stake, with a paltry case of conspiracy, where two or more members of the same family trading as bakers resolve and agree amongst themselves to injure the trade of another family by throwing something in the flour. If it was proved they concurred in bringing about such an injury it was thought they were guilty of a conspiracy. Well, again, if a person goes to a theatre and hisses an actor, that in point of law is innocent in itself, but if two go and do so, and with the avowed intention, they are guilty of a conspiracy. Again, if you go out to sport together two, or three, or four, and that an illegal act was committed, one great mind, Lord Ellenborough, who was superior to such nonsense, declared it was not the subject matter of a conspiracy, that the doctrine of conspiracy had gone too far; and the next judge said he thought it was wrongly decided. But, fortunately, the case is always to be tried by twelve men who are to determine whether guilty or not guilty. That is the protection we have in criminal cases. In civil cases we have a variety of protection. In every civil action there is an appeal to the next Court, and finally to the House of Lords. There is no such appeal in criminal cases unless there be an objection patent on the record. If I were wrongly convicted to-morrow, and I am now only putting a hypothetical case, I know it cannot occur, but suppose there was an error, it could not be corrected. But why is that—because of the constitution of juries in criminal cases, the question is guilty or not on

the whole case before them, and if they acquit there can never be another trial. No man can be twice tried for the same cause. People will not thus place disabilities on themselves, and that is one protection. Gentlemen, what was the League to do?—To direct public opinion was the only course. Every man is subject to public opinion, and he must be a bad man that will say, "I will fight against public opinion." Every man ought to look for the good opinion of his neighbours. A man would wish never to conduct himself so as to become the object of censure. Public opinion governs the world, and governs through the medium of the Press, which generally does itself great honour, and we have many respectable papers in this city. Gentlemen, public opinion is that which controls the very highest in the land, and public opinion has a right to exercise its influence on every man who hears me. The magistrate, judge, statesman, Minister of the Crown, each and all are liable to public opinion. And see what a happy state of things that is in this country. What is the consequence?—Everything is open and public. We have nothing of the Nihilism of Russia! so much confederacy. How much better for Russia if she had our open mode of dealing with everything like free born men. But her people are driven into conspiracies by reason of the conduct of those above them. I won't say the misconduct, for I have no right to say so. Every other civilized country has imitated us. In France they have the jury system, and there their protection lies. Scotland has assumed, to a great extent, our jury system. They appealed to that which governs the nations and keeps men in the right path—the League attempted to foster public opinion and direct it against the condition of things existing. It was no intention to impoverish the landlords or disturb the Government. They did not pretend to have any intention of the sort. The next great act which I will state to you categorically and absolutely, having pointed out to you the increase in the number of evictions, I tell you, the Land League has stayed evictions. Gentlemen, of that there is not the slightest doubt, whether the means they adopted be right or wrong, they positively stayed evictions, that is a matter of history and cannot be doubted. They direct public opinion and say if a man is evicted, if a man is evicted for an unjust rent, don't take that farm, don't become land grabbers, have nothing to say to it, leave it there. The result inevitably is, there won't be any eviction; the landlord derives no advantage from the eviction. It is ruinous to him to have the land lying there under the sun of Heaven, non-productive. I am arguing on the proofs they say they have given. I am not called on to admit anything. After a plea of not guilty is recorded, counsel has no authority to admit anything. A counsel might say much to a plea of guilty, but after not guilty is pleaded no counsel has authority to admit anything. I admit nothing, but I am arguing on the case as it stands on their proofs. It is demonstration plain that the Land League course of proceeding has positively stayed evictions, and if it stayed evictions, I venture to think that other offences which the desperate might have recourse to in cases of eviction have also been stayed. Now there is no doubt of it, according to the proofs given; that reductions of rent have been made in several cases; it is stated in the proofs, that in many instances large abatements have been largely conceded. Again, rents have been largely paid in the good counties. There is no question about it, and the land agents of Ireland know that where the people of Ireland have not suffered and where their inability to pay was not attributable to distress, that rents have been largely paid in Ireland. Now, gentlemen, it is said forsooth, in the language of this indictment—and three fourths of it are all about

impoverishing landlords, as I told you ; it is the indictment of the landlords against the tenants—it charges that all these people, beginning with Charles Stewart Parnell, "unlawfully, wickedly, devising, contriving, and intending to impoverish and injure divers large numbers of the liege subjects of our Sovereign Lady the Queen, whose names to the said Attorney-General are unknown (perfectly true, for he does not know any of them)—to wit, the owners of farms in Ireland, let to tenants for the payment of rents, did unlawfully conspire, confederate, and agree together to incite and procure divers large numbers of said tenants whose names are to the said Attorney-General unknown, in breach and violation of their respective contracts, to refuse to pay and not to pay the said owners the rents which they might become lawfully bound to pay, and lawfully entitled to be paid." The essence of that offence is that those wickedly disposed persons unlawfully devised and contrived to impoverish and injure the landlords The essence of the offence is in the intention. Then there are the second and third counts, fourth count, fifth, sixth, seventh, and eighth, all pointing out that the intention was to impoverish the landlords; those evil-disposed persons saying we will pay Griffith's valuation. That is one of the means of impoverishment. We will get the people not to pay the rent they contracted to pay, and we will say the object of that was to impoverish the landlords. Well, gentlemen, anything more absurd it is impossible to imagine. Let me argue the case. It is perfectly monstrous such an indictment. Three-fourths of it is perfect nonsense, the allegation that that was the object they had in view. I ask you, was there ever a movement to effect a great and beneficial object that did not bring about impoverishment and ruin to several other persons? I repeat again, was there ever a movement to effect a great and beneficial object that did not bring about impoverishment and ruin to others? Now, gentlemen, I take the various instances in which great objects were pursued and achieved, and in which impoverishment to some followed, and yet was there ever any idea of indicting the men engaged in those achievements? I take the emancipation of the slaves on the West Indian plantations. Well, the emancipation of the slaves ruined many families and the compensation paid was not sufficient, but the object of the people of England was that man should not punish his fellow-man, they wished that every man should be free and the moment the slave touched the sacred soil of England, that instant he was free. The freedom of the slave was one of the noblest things they ever accomplished, and that was carried to such an extent that if a slave set his foot on the deck of a British ship of war he became a freeman, for he was on British soil. The freedom of the slave involved injury to many families, but were the men who brought about that and urged it in Parliament indicted for conspiracy? No. What next to the slave trade abolition? Who ruined the merchants of Bristol? The Bristol merchants have always been connected with our plantations abroad, the sugar plantations, and if you refresh yourselves with history you will find what I am telling you is the fact. A demon of a judge convicted a number of the people in Bristol, and they were sent off to the plantations as slaves, and a sum of money got for a good number of them. Then again, the railway the great civilizer of mankind—there is no doubt of its vast advantage to commerce, its vast advantage to the world ; but it ruined all the post horses, all the post carriages, all the people who had postings. And I remember well the finest posting in Ireland was on the home circuit when I went that circuit, and there was not

one in two years after the railway started—they were all ruined, they were all sent about their business. So they might just as well say "Oh, you impoverished us? You did this most improperly, and you had no business whatever to have railways or any improvement; because if you have it will effectuate injury and loss to somebody, and they will complain." Now, what did Father Mathew's great reformation do? That noble minded priest. Why his reformation was most beneficent, but it ruined the distillers in the south of Ireland, and sent his own brother, a merchant and distiller, into the Bankrupt Court. There is no doubt in the world of it; but it is common sense—you cannot effectuate any great alteration without partially or largely affecting other people. But above all, men who profit by abuses, touch them, and then you will hear how they will complain, as if their abuses were for one moment to be considered in contradiction or contrast to the public weal. I hope some of my friends who hear me will not be vexed with me when I remind them of what they are doing—they are trying to destroy the vintners. Now, that is not their object at all. They have a most beneficial object in view as they have; but they most undoubtedly injure the vintners. Of that there is no question. What answer would Cardinal Manning, Sir Wilfred Lawson, or many of the Protestant Bishops, the Earl of Shaftsbury have to an indictment conducted on the system of conspiracy (a wretched part of the armour of tyranny) what answer would they have to a prosecution for seeking to ruin the sellers of spirits in the United Kingdom, and to depreciate her Majesty's Exchequer? I could draw an indictment on which, if we had a jury thoroughly well packed, we would very soon dispose of all those honourable persons, Cardinal Manning, Lord Shaftsbury, and the whole of them, "You combined and confederated together. Anyone of you might have done it. Cardinal Manning, you might have all your days endeavoured to prevent the sale of spirits. So might you, Lord Shaftsbury; but you collogued—you got together—you conspired and confederated, and you did this, you put down the sale of all spirits." But what will become of Her Majesty's Exchequer? Destroy the vintners! That is your policy. Then you ruined them. The indictment will be very nicely prepared. Of course it ought not to hold water, but it would read as well as the present indictment—just as well, for three quarters of this refers solely and entirely to the intentions of those gentlemen I represent to impoverish the landlords. Their intentions have been expressed in their appeal to the Irish race, their intentions being of a most beneficial and excellent character, expressed in their resolutions to relieve the distressed people. And their object being not to impoverish the landlord; their object being to buy them out, give them fair, full, proprietary rights, "Let them have every advantage," and in the early part, "Pay them Griffith's valuation this year at least. They ought to take it, and they ought to be very glad to have got it after the famines that have occurred." I wish it was universally offered, gentlemen. They ought to have been very, very glad to get it. Now, we will take the excellent body of men whom I have spoken of before—the Quakers; and accordingly the Haughtons and the others went hand in hand with Father Matthew. I would like to know what answer they could have to an indictment framed according to this. The Sunday Closing Movement, consisting of most eminent individuals, they have been actually denouncing vintners and sellers of spirits—gentlemen following a most respectable trade, and in most instances conducting it with the greatest possible propriety; and a

necessary trade, and I would be very sorry to see it annihilated. I do not know what would become of the Exchequer. I would not like to see the funds of the country vanish. Who would pay the National Debt if we go on with this wild work? But what I want to show is, that all this produces mischief to others. And yet the idea of indicting parties for impoverishing them is ridiculous. And now, what is the result, as you know it? The statute will tell you that there has been the closing of every shop in Ireland—excepting five large towns designated—on Sunday. And what has been the result? The ruin of the owners; and I regret to say that, if you read the accounts of the Bankrupt Court, you will find they are there. I think people may purchase this, what they call teetotalism, at too high a price. Personally, I have the greatest contempt for it. I hope my friend, Nicolls, is not there (looking at the Junior Bar seats). I do not understand it at all, gentlemen. The Almighty gave us wine to cheer the heart of man, and I venture to think that after the labours of this day you and I will enjoy a bottle of champagne remarkably well. Gentlemen, if you just look at all those cases you will see the discontent that is created. There again—for the landlords return to the charge—they put in those three or four counts most adroitly. Oh, but there is no doubt that the men meant well. Every movement meant good for the country. But is not the other little point in the conspiracy? If doing the best things in the world, if you conspire improperly to go to church to say your prayers, my friend, Con. Molloy, would frame an indictment. But, gentlemen—if you correct abuses you must necessarily excite discontent in those who profit by the abuses. Now let me see have those men transcended in their discourses. If they did itself, that is no ground whatever for finding them guilty of conspiracy—none whatever. It is only proof of the innocence of the men who spoke out at various places in different localities. Not moved by the same spring; they have read Mill, and in many instances books of great value on the subject of land. They spoke out their feelings, and did so strongly; and when they spoke in this figurative language of bringing landlords to their knees, that does not mean literally to make them kneel down before them. It is ridiculous. It is the figurative language which Irishmen will use. They are so eloquent by nature, the great majority of them, that they will use the figurative language, and sometimes in excess; and in extemporaneous speaking men will make remarks, and will in the hurry of speech very frequently say things which they afterwards regret. Why, gentlemen, the wisest men have made mistakes, and extemporaneous speaking is a dangerous thing to every man except a lawyer. I will tell you why; because he is arguing his case, and within the bounds of truth and honour he is doing for that man what the man ought to do for himself if he had the knowledge of the law. His feelings are not necessarily connected with that speech. But here are men animated by a powerful love of country, desirous of advancing its interests, seeing its misery and endeavouring to draw it out of the slough of despond. Did you never hear in all your reading even the most elevated judicial character making a mistake speaking extemporaneously; and to tell me that these men are to be convicted of conspiracy because, forsooth, they spoke hastily and used a vast variety of metaphors, sometimes a little confused, but often most vigorous and most eloquent, that they should suffer and that you are to say upon your solemn oaths "We are satisfied these men conspired illegally to do certain things." Now, gentlemen, let me remind you of the events more recently in our own country or within our recollection—at least mind in every case where great objects are to be achieved and good

objects very frequently, agitation is the only remedy. You may depend upon it that to go to Parliament with bated breath and whispering humbleness you will get nothing. And they found it so; and I proved that for centuries, but latterly devoting myself to a recent period, no appeal to Parliament was successful—or to-day. I hope the beneficial intentions of the Government now will not be frustrated, and that something good will be achieved for Ireland. But if it be it is through the land agitation, and by reason of it, and I will tell you why. Parties in this country are very frequently evenly divided; and in the House of Commons and in the Lords it is most difficult to pass a bill, and during the progress of a bill amendments are made, and the entire structure altered, and not even a powerful Minister can carry a bill through Parliament unless he is backed by the opinion of the country. Now, I assert that, and I shall not be contradicted. Could Mr. Plimsoll have carried his measures with respect to those abominable wretches who, for the sake of gain, send out ships that they well knew were predestined to go to the bottom of the ocean. The man was an enthusiast, and sometimes he talked wildly, and unless he had agitated the country, and gained the feelings of the country, he never could have carried the measures. Lord Anglesea knew that well when he said—"Mr. O'Connell, you have another chance of Emancipation—agitate! agitate!! agitate!!!" Again, look at the Reform Bill of '32—"The Bill, the whole Bill, and nothing but the Bill," and that was proclaimed everywhere. We all know—men cannot shut their eyes to it—I say that, not referring to you, gentlemen—but the public shall not shut their eyes to this, that these things are effectuated by public opinion; and that when the threats of 300,000 to march from Birmingham to London were uttered, the Reform Bill came to be considered with great attention. What is the record of history? That Lord Stanley—then a Whig—afterwards Lord Derby—proposed a solemn resolution that unless the Bill—the whole Bill was passed, the people should pay no taxes. What do you say to that? If that were done by any of those men they would be tried for treason. Should pay no taxes to Government! That was the way to stop the supplies, indeed; but the Bill, the whole Bill, and nothing but the Bill, was carried, and carried by agitation. Earl Grey then took the lead, and the result was the Whigs were wafted into power, where they remained for upwards of forty years. But, then you see, it is all very well to turn round on a man who, though however respectable in commercial life, as some of those I see before me are—who, however distinguished for abilities, as some of those I see before me are—who, however distinguished for good sense and also for religious feeling—yet they are not of such superior rank—they are not Lord Derbys or Lord Stanleys—and, therefore, the same measure of justice is not to be dealt out to them when we are considering a great question. We are not considering now such a case as was stated for you by my learned friend the Attorney-General, such as the case before Lord Justice Bramwell, for what is called picketing—that is, watching the doors. Although men have a right to combine—although they have a right to watch, and have picketers too to watch men going in who may violate their rules—and although they may have a right to persuade these men, and say don't violate our rules—you belong to us—you have undertaken to belong to us—you ought to strike with us—and they may do all that lawfully and rightly. Yet they cannot dare say we will persecute you—we will hunt you down—we will destroy you—we will strike you—we will use violence. They cannot do that. They cannot use any threats or any molestations. I repeat that again to show you the state of things in England where freedom so prevails.

They cannot do these things; but they can do anything that is necessary for their purposes. But why should not the same measure of justice be held forth to all? Why apply these little cases upon matters of conspiracy between individuals to a great cause where it is not a conspiracy between individuals, but where it is an agitation for the purpose of achieving great objects, and where necessarily these must be open, public assemblies of people. It is perfectly lawful to assemble — perfectly lawful to petition Parliament — perfectly lawful to put forward their views. It is idle to apply little cases of conspiracy which have gone too far, as Lord Ellenborough said—although another judge rather flippantly stated that he had decided it wrongly even though the Court agreed with him—I say he was perfectly right. These cases have often gone too far even against individuals; but this a wholly different case. A prosecution for conspiracy where there is no conspiracy—where there is no meeting in the dark—and where there is nothing but a parcel of citizens openly, honestly, and boldly stating their views. What is the first matter? They are met by the rejection of the proposed measure of relief—even the small measure of relief—that Disturbance Bill. What is to become of the country—what is to become of the people? In 1879 they were about to perish. There is no doubt about that; and if you do not stop evictions the earth will be covered with misery, death, and starvation. These things will happen if you do not do something. Parliament would do nothing, but the Land League work had sent relief to every part of the country. Their tables are covered by acknowledgements from bishops, priests, and gentry, and other persons to whom they sent relief. Relief came from America, and the famine is stayed. But who stayed it? Who began the work? Now I ask you that question. I submit it to your judgment. Historically, I assert that nobody and no human beings took up this question of relief in the north-west and west of Ireland until the Land League did so. In the country—in Parliament the question is asked of the then Chief Secretary for Ireland—was there to be a measure introduced for the reduction of rents, and he laughed at the question; and I regret to say that laughter followed his observation. Gentlemen, I was about to enter upon another great question—the clearance question—that shocking system which converted so many a fair valley into a desert. A desert did I say? That is a misconception. It is a mistake, in a word, for a moment. No, it was made into a magnificent cattle drive. Many of those beautiful valleys were so made; and how curiously, how strangely it is that wise men anticipate us often, and that, though they cannot dive into the womb of time, they can see before men with smaller minds. I am reminded upon that subject that one of our Irish poets—Goldsmith—who saw it with his own eyes, for he was an Irishman, brought up in this country, educated in this country, and living in one of the most beautiful villages, which he afterwards illustrated by his poetry—the Deserted Village—Auburn. We all know the place. It was a lovely village which was converted into a great cattle drive, and the people were banished, and one tyrant, as he writes, occupied the whole domain. There was little arable land in it. I will with the poet exclaim—

> "Ill fares the land, to hastening ills a prey,
> Where wealth accumulates and men decay."

Coming rapidly through my mind, I almost forgot for a moment he saw

what was being done—the accumulated wealth in the hands of a man, the owner of the fee-simple, who could banish the tenants—who could occupy the place with bullocks and herds. No wonder that he should then, on seeing that lovely village which he had known in his youth, extirpated, have drawn the conclusion which I have just mentioned, and added—

> "Princes or lords may flourish or may fade,
> A breath can make them, as a breath has made;
> But a bold peasantry, their country's pride,
> When once destroyed can never be supplied."

My lord, I think this would be a suitable hour to adjourn.

Mr. Justice FITZGERALD.—May I ask you, Mr. Macdonogh, before you separate, whether the counsel for the defence have made any arrangement amongst themselves as to speaking? I presume you open the case generally?

Mr. *Macdonogh.*—Yes, my lord.

Mr. Justice FITZGERALD.—For all the defendants?

Mr. *Macdonogh.*—Generally, my lord.

Mr. Justice FITZGERALD.—I presume these will be as other speeches until they come to the summing up?

Mr. *Macdonogh.*—Well, my lord, we have not had time to consult.

Mr. Justice FITZGERALD.—We must know what course you intend to take. I suppose you intend to examine some witnesses?

Mr. *Macdonogh.*—Certainly, my lord. We have not had time to consult owing to my absence through illness. We were just about to do so.

Mr. Justice FITZGERALD.—Before you enter into any arrangement or go further, we must unequivocally know what course you intend to take with regard to speeches. You say you intend to call evidence?

Mr. *Macdonogh.*—Most certainly.

Mr. Justice FITZGERALD.—Then you will let us know in the morning what course you intend to take with regard to the speaking?

Mr. *Macdonogh.*—Yes, my lord.

The Court then adjourned to eleven o'clock, next morning.

THIRTEENTH DAY—FRIDAY, JANUARY 14, 1881.

Mr. Justice FITZGERALD and Mr. Justice BARRY sat shortly after eleven o'clock.

Mr. *Macdonogh.*—May it please your lordships—I have attended to the desire of the Court, with the aid of my learned friends. Your lordships know that my learned friends appear for several different gentlemen—I having taken into my charge Mr. Parnell and Mr. Dillon—and thus it was that I handed over to each the documents put in according as they were referrable to their respective clients. We discussed the question of having, as is our right, two speeches for each of the traversers separately represented, and came to the conclusion that two speeches in the present case would be quite unnecessary, and would certainly largely occupy the public time. Therefore, we have unanimously come to the conclusion of stating to your lordships that we shall require but one speech from my learned friends who represent these different persons. The course we propose for your lordships' approval is, that as soon as I shall have discharged my duty in the first instance, my friend Mr. Walker should follow shortly addressing the Court, that evidence should then be given, and subsequently that such observations should be made as my other friends may think fit or prudent. I think that will simplify matters and shorten the trial. So that we gave up one series of speeches altogether.

Mr. Justice FITZGERALD.—Possibly, Mr. Macdonogh, in acceding to that we exceed the proper rule, for I apprehend that the proper rule is, that where all the defendants appear by one solicitor, and one counsel represents them all, we ought to hear but one opening statement. However, I think what you have suggested, that Mr. Walker should supplement you by such observations as he should think fit, is not an unreasonable course, and it will be at once acceded to. Of course you are entitled to a summing up in reply, but it would appear to us that that ought to be exercised very sparingly, because it is impossible that we can sit here and listen to fourteen replies you know.

Mr. *Walker.*—That is not intended, my lord.

Mr. *M'Laughlin.*—Just a word, my lord; I appear for Mr. Brennan. What Mr. Macdonogh has mentioned is this.—Mr. Macdonogh, who appears for all the traversers, but more particularly for Mr. Parnell and Mr. Dillon, is making a general opening; Mr. Walker, who appears for Mr. Biggar, will go on after him, and after the evidence I will go on, and make only the one speech; and, as far as I know, my friends won't do more.

Mr. *Curran.*—That is the course we all mean to follow.

Mr. Justice FITZGERALD.—That is two openings and six replies, and then a general wind up by Mr. Sergeant Heron, so that after the conclusion of Mr. Macdonogh's address, we have to listen to eight speeches still.

Mr. *A. M. Sullivan.*—I appear alone for Mr. Egan. Anything I have to say shall be on the evidence, but probably after hearing my learned friends, who will precede me, I may not be called upon to address the Court at all.

Mr. Justice FITZGERALD.—We shall listen to you with great pleasure, Mr. Sullivan, whenever you come to speak.

Mr. *Sullivan.*—Thank you, my lord.

Mr. *Macdonogh* then resumed his address to the jury. He said—My lords and gentlemen of thejury—Now all arrangements have been made for the further prosecution and final closing of this trial. True, it is, gentlemen, that very considerable time has been occupied, and necessarily occupied by the case for the Crown; but, gentlemen, in those cases where the Crown thinks fit to prosecute, and exercises their undoubted right and their best judgment it is but due to the people of the country —the subjects who are put upon their trial, and I may parenthetically observe Her Majesty is interested in the welfare of all her subjects, in their protection, not their punishment—I say in these cases it is due to the subjects of the Queen that they should have the fullest opportunity of defence. This trial, after all, has not lasted at all the length of time one really anticipated, nor shall it, and upon the whole, having regard to the wonderful reticence and care which you have shown in reference to the case, and guided by the wisdom of the Court, I do not think any time has been lost in the case. Time is, of course, of value to us all, but, gentlemen, the greatest trial that ever took place, and that in Westminster Hall—where, I lament to say, all the energies and the marvellous talents of two of the greatest Irishmen who ever lived—Edmund Burke and Brindsley Sheridan—were exercised for the destruction of a man—Warren Hastings—who, instead of having been charged, ought to have received the peerage long promised to him, and which he well deserved—that trial lasted, not a month, not three months, but seven long years. So brilliant were the speeches that when Sheridan sat down the Court at Westminster was obliged to adjourn; such was the terrible state of feeling into which they were all worked by his extraordinary eloquence; and yet, strange to say, the traces of that magnificent eloquence do not remain; there is hardly a vestige of that great speech of Burke's. Suddenly this occurred to me when we were talking of time. Time is of value, but the elucidation of truth and the freedom of the oppressed are of infinitely more importance. To myself personally, gentlemen, it would be very pleasing could I abstain, but I cannot, from the discharge of my duty—pleasing because of personal circumstances, the state of my health and soforth. But, gentlemen, I shrink not from, and I care not for, the waste or injury to myself—I think only of the clients who have committed to me their liberties, their fortunes, and their reputations. Gentlemen, looking back upon the dreary waste of evidence, what is the case made? It was a dreary waste, because of the nature of the evidence necessarily produced on the part of the Crown, there being no evidence of conspiracy—of the secret meetings of any persons to plot or plan wickedness of any species or nature—looking back on the dreary waste of speeches read, I wish our English friends would be just, and remember that in all the vast amount of evidence which the Court has been deluged with by my learned and able friends for the Crown, in all the assemblies and papers which they could collect together, there is not a single instance, not an isolated act of violence or impropriety—save one. What is it? That on a certain day when the people assembled, they felt some doubt as to going into a certain field at first, but did go there, held their meeting there, and then tossed the cocks of hay. That is the one solitary exception. Will it be believed? Stories are told, and exaggerated stories frequently, of outrages in Ireland, but here is this remarkable fact that from the commencement of this trial up to the hour I have the honour of addressing you, there is not the slightest proof of violence of any kind,—assemblies most orderly: no human being attacked. But, it is said, "we will call in aid some exclamations of the crowd, some drunken

creature, some wild boy calling out 'shoot him.'" Gentlemen, in the noble commercial town of Belfast was held one of the finest meetings, consisting of many of the nobility and the highest persons in the country, and it was addressed by my right honourable friend, the late Attorney-General for Ireland, a man incapable of advising anything against the law; but in the middle of his speech there were cries of "Shoot the priests." Was he responsible—was anybody responsible for those wild and silly cries? No. In great assemblages feelings become excited, and to then arraign a number of those meetings, to lead to the conclusion that there was a dark conspiracy to perpetrate wrong, is perfectly absurd. But it is a remarkable fact, and I wish to impress it upon your memories, that from the beginning to the end of this trial there is not the slightest evidence of any breach of the law—of even a common assault; and remember that on the 1st of November the *ex-officio* information was filed, and up to that hour not a single meeting was interfered with. Of course, these exclamations were wild, foolish, wicked, and absurd, but they were not the sentiments of the meetings—on the contrary, they were most sternly repressed. I won't go through the evidence that came out, but you have it in your minds—these exclamations were sternly repressed, so far as to both the time and the results. Now I was about to call your attention to this. The people met in the Phœnix Park, in Ireland—was there any violence there? No. What occurred in the agitation of 1866 in the city of London? All those who were there—all who saw what occurred, had a clear memory of it, and those who had not had read of it. The people tore down the park gates. They trampled over those beautiful flower-beds that adorn Hyde-park—they held their meeting—they said their say—they shouted for Gladstone and for Bright, and they had a right to express their feelings—they had that right as freemen. They had no right to pull down the gates, but they were vexed and indignant at finding them closed against their gathering. They were sterling, steady, solid, Saxonmen, who loved liberty above all things. They overcame their Norman conquerors, and they kept the laws of England, and that law is the first of them all, which protects each and every one of us, without which the very judges on the Bench would not be protected—I mean the law which gives us an honest jury in criminal cases. I am sorry to say there is growing up outside a disposition to get rid of juries in civil cases. That arises from the number of cases, and that in the hot pursuit of wealth which now-a-days so generally prevails, men dislike what at best is a most onerous and frequently a painful duty—a duty for the discharge of which they are either not paid, or paid only a nominal sum, whilst every other human being moving about the Court is largely rewarded. That is one reason why the popularity of trial by jury is declining. Another is a strong leaning towards a little despotism, which that Saxon spirit will correct and control. I remember, not long ago, at a meeting of some of the highest members of the Bar of England, there was a strong, almost an unanimous opinion expressed, that fixed magistrates could best discharge the duties of trying actions between parties, except in cases where evidence was given; but they with one voice—*una voce*—they held that the fixed principle should be maintained, that in criminal cases the jury is the only tribunal that can dispense justice, and so the judges say themselves. Accordingly that is and has been the jurisdiction from the earliest period in our history. A great writer having asked what was the end and object of the British Constitution, answered, to bring twelve honest men into a jury box to try their fellow-countrymen. But this grows out of what occurred to me as to the transactions of '66.

Violence was then exhibited, as I have told you, but not a single prosecution followed. Why? Those men might have been indicted for an unlawful assembly, but would any Attorney-General of England dare to charge them with conspiracy? No. Gentlemen, I shall condense my thoughts and arguments, and hope soon to come to a conclusion. I promise you shall not be troubled with the reading over again of these papers. You do not require them—you know their scope and purport, and their valueless character to prove a conspiracy. Just according to the greatness of the mind of the judge who tries the case is the view to be taken of this subject of conspiracy. Gentlemen, when the subject matters which are said to involve conspiracy refer to the public good, or the improvement of the law, and the correction of grievances, then the great and primary inquiry is—was the object sought to be attained chimerical, wicked, and absurd, or was it one of reason or good sense and possibility? Look now, to illustrate my argument, at the case of the Chartists—the five points of the Charter. At that time wicked and despotic politicians said, "What do they want?" You remember what that clever, sensible man, Lord Palmerston, said against them. You remember what was said with regard to the ballot. Well, the ballot measure, after having been so long and repeatedly rejected, has been passed, and is now the law of the land. Well, what anxiety was there not about the property qualifications for Members of Parliament—£300 or £600 a year. Dreadful, it was said, to think of interfering with that—we want respectable men in the House of Commons, men of mark and position. A man of wealth has no temptation to be dishonest, they said,—just what was said of an ancester of this Mr. Parnell, to whom Sir Jonah Barrington paid this immortal tribute, writing after his name "Parnell, the incorruptible." He did not agree to the Union, as the greatest men of the time did not agree to it. Possibly if we were all living at that period we would have been stern opponents of the Union too—agreeing with Lord Plunket, Bushe, and Parnell, and many other great and good men; but there were others who were bribed to forsake the interests of their country—some were bribed by honours, some were bribed by money, some were bribed by judgeships. On that account the appointment to judgeships became a subject of laughter in the early days of this century. But Parnell, the incorruptible, the Irish Chancellor, was of a different stamp. He said absenteeism would ruin the country if the Union was carried. We live now under a different state of things, and with different views. I will discuss no political question, but keep to the land question. simply remarking in passing, as to the topic I alluded to a while ago, that, as you know, the property qualification for members of the House of Commons has been abolished. My learned and able friend, the Attorney-General, stated a case about "picketing"—you may not understand what "picketing" means. It is not customary here, but it is in England. Men there watch the shops of great manufacturers, watch the men belonging to their trade, watch them, address them, coax them, saying—"Don't forsake, for God's sake, those men who are on strike to endeavour to raise our wages. Join them, unite with them, and don't break any of our rules." Instead of citing a case of that kind, which refers to individuals, I say the question which always arises in great causes is best seen by the charge of that distinguished judge, Baron Alderson—"I take it to be the law of the land, that any meeting assembled under such circumstances, as, according to the opinion of rational and firm men, is likely to produce danger to the tranquility and peace of the neighbourhood, is an unlawful assembly."

They were indicted for an unlawful assembly, and they were indicted for

conspiracy, and he most correctly laid down the law, and he left it to the jury to determine on the facts before them.—"You will have to say whether, looking at all the circumstances, these defendants attended an unlawful assembly, and for this purpose you will take into your consideration the way in which the meetings were held, the hour of the day at which the parties met, and the language used by the persons assembled, and by those who addressed them. Everyone has a right to act in such cases as he may judge right, provided it be not injurious to another; but no man, or number of men, has a right to cause alarm to the body of persons who are called the public." You will consider how far these meetings partook of that character, and whether firm and rational men, having their families and their property there, would have reasonable ground to fear a breach of the peace, for I quite agree with the learned counsel for the defendant that the alarm must not be merely such as would frighten any foolish or timid person, but must be such as would alarm persons of reasonable firmness and courage. So far as to an unlawful assembly of people—that is an assembly so as to create terror and alarm in the neighbourhood, and that firm and constant men, or that ladies, should be frightened and alarmed. Well, the simplest mode of dealing with them—if the meeting be constituted under such circumstances, it becomes an unlawful assembly. But in the whole course of these assemblages of the Land League no single subject of the Queen, no single member of any county or city ever made a deposition stating that they were in terror or apprehension. There was no cause of fear—none. Then as to the police, and I think very judiciously, when they saw how the meetings were conducted they didn't let the police interfere, and their reporters were admitted to the platforms. There was no occasion for fear—there was nothing to excite apprehension; and therefore, gentlemen, there was nothing to show in the ordinary sense and meaning of the word that there was such an unlawful assembly that ought to be prevented or stopped. But observe now when Baron Alderson comes to deal with conspiracy. "The indictment also contains a charge of conspiracy, which is a crime which consists either in a combination and agreement by persons to do some illegal act, or a combination and agreement to effect a legal purpose by illegal means." I entreat your kind attention to this, gentlemen, my argument, as I intend my speech entirely to be argument, and mark what the prosecutor did there and what he did here—that the object the defendants had in view was to excite disaffection and discontent. What was their object here? To relieve grievances and cure bad laws. If that was their object, their intention was there submitted to the jury as it ought to be—no other power could interfere with the fact but the jury; but the facts must be found before any one can draw a conclusion. "The purpose which the defendants had in view, as stated by the prosecutors, was to excite disaffection and discontent; but the defendants say that their purpose was, by reasonable argument and proper petitions, to obtain the five points mentioned by their learned counsel. If that were so, I think it is by no means illegal to petition on those points." This man was a person of very high education, and a person of great intelligence and learned in the law; he actually was before his time. "The duration of Parliaments, and the extent of the elective franchise, have undergone more than one change by the authority of Parliament itself, and with respect to the voting by ballot persons whose opinions are entitled to the highest respect are found to differ." Voting by ballot—why at the time this took place in '39, it was held up by and advocated by a few, but Baron Alderson

knew very well that several men of intelligence entertained the idea that voting by ballot should prevail in the United Kingdom. It was used in clubs—men who had to vote in clubs adopted it because it was a disagreeable thing to blackball a man. For himself he confessed he could not bring himself to stab a man in the dark in that way by throwing in a black bean; but at all events that was the opinion entertained, and this distinguished judge—what does he say? "What are these men doing? They are endeavouring to obtain vote by ballot, and with respect to that person whose opinions are entitled to the highest respect are found to differ." Here there is unanimity—here there is no difference of opinion. The whole United Kingdom rings with the declaration that the land laws must be altered, and that something must be done, and that things cannot be allowed to go on as they are—that the people cannot be turned out on such a day as the present—with the flakes of snow falling on their uncovered heads, and with their children cast out—it cannot be done; capricious eviction must be put an end to; men shall be allowed to live in their native land. Here there is complete unanimity, and there was great difference of opinion in the other case, and these men were indicted for assembling and creating discontent and strife. They wanted vote by ballot: "Why first we will show the jury what your object is and then tell the jury you ought to convict these men." You know that is un-English—you know that would be the argument of the prosecuting counsel, and therefore they are pursuing an illegal act. "There can also be no illegality in petitioning that members of Parliament should be paid for their services by their constituents." That was another point of the Charter. They wanted to restore the old law of England. They wanted to have their members free from the State, and that they should be paid so much for their services as they do in the French Parliament, and thus keep them out of the range of the Crown, if they were unlike "Parnell the incorruptible." That is the second point of the Charter. "There can also be no illegality in petitioning that members of Parliament should be paid for their services by their constituents; indeed, they were so paid in ancient times, and they were not required to have a property qualification." Was there ever such a heinous thing? Oh, grossly illegal—to assemble in this way because they wanted vote by ballot, and payment of the members by the constituencies, and the dispensation with the qualification, so that every honest man who paid taxes, of the full age of twenty-one, with no stigma of crime, or of disreputable character, might sit in Parliament. "Indeed, they were so paid in ancient times, and they were not required to have a property qualification till the reign of Queen Anne, and are now not required to have it, in order to represent any part of Scotland or the English Universities." They attended with these objects—objects that many of them conceived to be solid. The object here is fundamental and just and the need was acknowledged by the long stream of authorities—nobility and gentry and writers and historians to whom I have alluded, and whose opinions I have read to you. "If, however," says the learned judge, "the defendants say that they will effect these changes by physical force, that is an offence against the law of the country. No civilized society can exist if changes are to be effected in the law by physical force. And if eminent persons have done as the learned counsel has stated and their conduct was to come before us in a court of justice, we should (however painful it would be to be placed in such a position) act towards them also exactly as we ought now to act towards the present defendants. With respect to the

speeches of the defendants at the meetings, I entirely agree with the observations of their learned counsel, that nothing is more unfair than taking a part of a speech without its fair context; and you will, therefore, take the whole which is proved, and consider whether anything else that was said altered the effect of the passages relied on by the prosecution. You will say whether you are satisfied that the defendants conspired to excite disaffection—if you are so, you will find the defendants guilty of the conspiracy. You will also say whether you think that the nature of the meetings was such as would excite alarm in the minds of rational and constant men; for if so, I am of opinion that they were illegal meetings, and then you ought to find the defendants guilty on the counts for attending unlawful assemblies." Here there is no charge of unlawful assembly, The Crown wisely omitted putting that forward—wisely, after the experience we have had for the last eleven days—that there was no violence, no assaults, that not a human being was frightened or terrified in any of the counties; not a human being has sworn that in any of the counties any disorder was committed, but that the people assembled in an orderly manner for the purpose of effectuating relief, and curing certain bad conditions which the land laws produce. Let the Crown indict them for unlawful assembly, if they please. They were indicted for conspiracy, and then the landlords say: "You conspired to impoverish us by reducing our rents." To that they replied: "Gentlemen, we tried to obtain justice from you for centuries, and we implored Parliament, and what has been the result? Parliament cannot stop your evictions; because even lately the Bill, which would for two years have stayed your hands, has not been carried, and unless we prevent evictions, ruin must follow to the country, and the body of the peasantry will be annihilated if we don't stop the evictions that are being multiplied every day." In that case I have referred to, there was the wildest conduct at the assembly, and the wildest speeches were made. The Mayor of Newport was examined as to what occurred. Irishmen have the same rights, and we say it is untrue to say that we conspired—we are not guilty of conspiracy. Combination amongst themselves is perfectly legal and lawful. There is hardly a thing in life that combination does not prevail in. There is combination amongst the best of men for the best of purposes. Each meeting of the Cabinet is a combination, to do good to the subjects of the Queen; and those who framed that bill combined most properly for the purpose of endeavouring to do justice to the people, and ameliorate their condition.

Mr. Justice FITZGERALD.—Where do you quote Baron Alderson from?

Mr. *Macdonogh.*—I beg pardon, my lord, I should have mentioned it—Regina *v.* Vincent, Edwards, Drinkwater, and Townsend.

Mr. Justice FITZGERALD.—I know the case very well.

Mr. *Macdonogh.*—9th, Carrington and Payne, page 91. The first count is "That the defendants being seditious and evil disposed persons, intending to disturb the public peace, to excite discontent and disaffection, and excite her Majesty's subjects to hatred and contempt of the Government and constitution of this realm, &c., did conspire together, with divers other persons unknown, unlawfully, maliciously, and seditiously, and meet and assemble themselves together, and to cause and procure a great number of other persons unlawfully, maliciously, and seditiously to meet and assemble themselves together with the said defendants and the other conspirators aforesaid, for the purpose of exciting discontent and disaffection in the minds of the liege subjects of our said lady the Queen," and so on.

Mr. Justice FITZGERALD.—I am very familiar with the case. I merely wish the authority.

Mr. *Macdonogh.*—Now, gentlemen, mark the state of Ireland at the two periods of great importance that we are dealing with—the most terrific incidents, not of individuals at all, but of great numbers of persons evicted and wholly swept away. In one case the valley of Glenvea was absolutely denuded of its inhabitants. In Munster, and specially in Clare, clearances to an extent that was perfectly shocking to our minds, occurred. In Meath, almost at the gates of Dublin, sad clearances took place. Meath at one time was a large tillage county, and some of the most fertile places in Meath were denuded of their population, and turned into cattle drives—rents of an impossible character and severity prevailed; notices to quit caused the diminution of the people, and forced emigration followed, which ought to be called expatriation—not of the old people, the decrepid and weak, but the young; and any man who walked along the quays of Dublin, and looked on those unhappy Connaught people, and people of Clare, leaving their homes in Ireland to cross the Atlantic, would feel how the country was being deprived of its bone and sinew. The strongest and best and finest young men and young women going off in that forced emigration—the poor unfortunate old people and the decrepid and weak having the workhouse. It must be said of them that forced away from their country as they were they never forgot their kindred in Ireland, and I shall show instances of that. Mr. Froude describes the enormous sums of money which the children send back to their parents. Gentlemen, I shall close my observations on the state of Ireland by this argument which I will place before you, and there is no doubt of it that with the battle of the Boyne and the utter destruction of the intermediate Catholic proprietors—I will call them so—not the very highest nobility, for they saved themselves with their titles, very wisely and prudently—since then agrarian quarrels and agrarian crime have been, I regret to say, the chronic condition of Ireland. It is a very cruel thing, and a very false thing to ascribe to the League any species of participation in or connection of the remotest kind with any species of guilt or murder or impropriety. It is unfair, it is unchristian-like, and it is false. If there was a shadow of truth in it, my learned and distinguished friend the Attorney-General would not have hesitated to charge some overt act in the indictment showing the connection between the League and guilt—that the League was *causa causans.* Nothing of the kind; and here they stand before the world, and we hope our English friends will also remember it—that there is no possible connection shown, no possible connection proved, none alleged; and we defy any human being to allege any species of connection between crime and the League. On the contrary, our case is that by stopping evictions, and by saying, "For God's sake, don't shoot anybody, we don't want anything of the kind—it is against the law of God and man"—but by means of public opinion in every county, by organization to effectuate the stopping of evictions, you will do so. By means of this organization—directing and swaying public opinion—no landlord will evict, and the people will not be cast out on the highways. We will thus accomplish what that Bill intended to do—to save the people for two long years. Gentlemen, when there was no Land League, no organization of this kind, what was the real condition of Ireland? I'll tell you in a few words. The Rapparees were first. They consisted of portion of the disbanded army of King James II. The Irish fought for their king—the Irish

fought for their religion—monarchy and religion were united together in their thoughts. They took the side of their king, and fought against King William, and when the army of James was broken up, the Rapparees—that was the name given to them, the unfortunate people, disbanded soldiers—came into existence. Then came the Peep of Day Boys; after them the Whiteboys, then the Hearts of Oak, the Shanavests and Canavats were next, and the Rockites next. All these were secret organizations. I take their titles from Acts of Parliament, because the people were at all times liable to have their rents raised in proportion to the amount of their improvements. They were liable to capricious eviction once they bound themselves together in secret conspiracies, and resorted to the only means they believed available—the blunderbuss—in the attempt to seek the wild justice of revenge. I have read that the Roman Catholic clergy have besought their flocks not to belong to secret societies, and implore the youth in their respective parishes to abstain from secret societies and organizations. But all these secret combinations were the necessary result of the absence of public opinion. Gentlemen, the tenants have sought in secrect conspiracy to have some redress or relief. Of course it was wicked and shocking, and you could keep no terms with an assassin, but the unfortunate people, in the attainment of the wild justice of revenge, resorted to the only means they believed available. And what has been the result? Why it is even said, although there is no proof—I don't care for that—it is said some shocking occurrences took place within the last five years—ten years. Why ten times greater calamity, and ten times greater misery, and ten times greater guilt occurred long before. On the contrary, it is perfectly manifest, as the League boasts, that they have stayed crime. Why? because we have prevented evictions, because we have, by directing public opinion against the landlords and their acts, prevented their evicting, and we have prevented crime, because the evicted people now can look for relief—they cannot be turned out in harsh inclement weather, they can look to us for some relief, and they can combine and uphold themselves, and combine, which they have a right to do, amongst themselves lawfully, for the purpose of endeavouring to prevent evictions. We have prevented evictions, and we have stayed crime. That is their case. In all conspiracies there is secrecy. In every case where conspiracy is recorded it was carried out in silence and secrecy, and the chief element was secrecy, and the manner in which the conspiracy was discovered was by means of the base, though necessary, informer, and treachery. Take the conspiracies that the French engaged in for many years during the monarchy—all planned in secrecy—take the conspiracy of Gowry, in Scotland, to seize the person of the Scottish king—all planned in secret; take the Gunpowder Plot—planned in secret, and discovered, not by the treachery of the informer, but by the high feelings of a person who wanted to save a friend.

Take also the case of the Doges of Venice, Marino Faliero and others, and you see that every one of the organizations was secret; and men of sense can see that the guilty conspirator ought to be clothed more or less with that secrecy which surrounds the guilty. But here in this case we find that it was in the open day people met, and for the best of purposes, and yet we are to be told that they are not to be prosecuted for unlawful assembly, but they are prosecuted for conspiracy, and intentions are ascribed to them which they never entertained. There is sometimes an idle effort made to assimilate some formula which exists in civil law to criminal law. There never

was a greater error. The rules of evidence are the same, but the considerations are wholly different in civil cases and in criminal cases. The commonest thing in the world is in civil cases to say, "We hold a man liable for the necessary consequences of his acts," and in the vast exigencies of society it is a very useful rule; but to apply it universally to criminal cases is unwise, unjust, and not lawful. The jury are to find the intent as a fact. The question of intent is not to be regulated by a mere formula. The natural and necessary consequences of a man's acts are a very necessary thing to consider, but in a criminal case that does not impose upon the jury the necessity of drawing such a conclusion. If it were so, conclusions of a nature most fallible and erroneous might be drawn. As in the instance I showed you yesterday, while men are endeavouring together to achieve laudable and just ends—whilst that is their purpose, and their purpose is good—yet because necessarily that might diminish the incomes of landlords, are they to be held bound by the application of the formula ordinarily set in civil cases, that men should intend the natural consequences of their acts—because their action might tend to the diminution of the incomes of the landlords that they are therefore guilty of the intention of impoverishing the landlords. Gentlemen, I do not know whether I have fully conveyed to your minds the argument which I am submitting to your judgment. I proceed to tell you what the happy constitution of this country is, namely, in the language of Mr. Erskine—language far superior to anything I could emulate—"The administration of criminal justice in the hands of the people is the basis of all freedom. While that remains there can be no tyranny, because the people will not execute tyrannical laws on themselves." They would be very great fools if they did. "Whenever it is lost liberty must fall along with it, because the sword of justice falls into the hands of men who, however independent, have no common interest with the mass of the people. Our whole history is, therefore, chequered with the struggles of our ancestors to maintain this important privilege, which in cases of libel has been too often a shameful and disgraceful subject of controversy." And I regret to say that the famous controversy which was fought out in Westminster Hall between the narrow-minded Mr. Justice Buller and one of the greatest men who ever lived—Lord Erskine, then Mr. Erskine—will, I am afraid, have to be fought out again, and it is very necessary that I should apprise you shortly of what this is, and what my opinions, as a lawyer, are upon the subject, I submit to your judgment. Gentlemen, there was one great judge, Lord Chief Justice Vaughan, and see how he dealt with the matter. I will read for you the passage:—"When juries could not be found to their minds"—that is, the minds of those wicked prosecutors—"judges were daring enough to brow-beat the juries, and to dictate to them what they called the law, and in Charles II.'s time an attempt was made which, if it proved successful, would have been decisive"—would have annihilated juries, and would have enabled him to rule absolutely. "In the year 1670 Penn and Mead, two Quakers, being indicted for seditiously preaching to a multitude tumultuously assembled in Gracechurch-street, were tried before the Recorder of London, who told the jury that they had nothing to do but to find whether the defendants had preached or not; for that, whether the matter or the intention of their preaching were seditious were questions of law, and not of fact, which they were to keep to at their peril. The jury, after some debate"—not liking that sort of law—"found Penn guilty of speaking to people in Gracechurch-street"—which was no crime whatever—"and on the Recorder telling them that they meant, no doubt, that he was speaking to a tumult of

people there, he was informed by the foreman that they allowed of no such words in their finding, but adhered to their former verdict. The Recorder refused to receive it, and desired them to withdraw, on which they again retired, and brought in a general verdict of acquittal, which the Court, considering as a contempt, set a fine of forty marks upon each of them, and condemned them to lie in prison until it was paid. Edward Bushel, one of the jurors (to whom we are almost as much indebted as to Mr. Hampden, who brought the case of shipmoney before the Court of Exchequer) refused to pay his fine, and, being imprisoned in consequence of the refusal, sued out his writ of *Habeas Corpus*, which, with the cause of his commitment (namely, his refusal to find according to the direction of the Court in a matter of law) was returned by the Sheriff of London to the Court of Common Pleas, when the Lord Chief Justice Vaughan, to his immortal honour delivered his opinion as follows—'We must take off this veil and colour of words, which make a show of being something, but are in fact nothing. Of the meaning of these words *finding against the direction of the Court in a matter of law* are that, if the judge having heard the evidence given in Court (for he knows no other) shall tell the jury upon this evidence that the law is for the Crown, and they, under the pain of fine and imprisonment are to find accordingly; every man sees that a jury is but a troublesome delay, a great charge, and of no use in determining right and wrong; and, therefore, trials by them may be better abolished than continued; which were a strange and new found conclusion after a trial so celebrated for many hundreds of years in this country.' He then applied this sound doctrine with double force to criminal cases, and discharged the upright juror from his illegal commitment." And as his name remains imperishable on the minds of Englishmen, so I hope Irishmen will do the same justice to their country as that man did to his, and those two Quakers. "This determination of the right of juries to find a general verdict was never afterwards questioned by succeeding judges, not even in the great case of the seven Bishops, on which the dispensing power and the personal fate of King James himself in a great measure depended." That is the greatest trial which was ever held in England. It was pregnant with results of the greatest consequence. They freed us from the tyranny which then oppressed the nation; and yet what was that. The indictment against the seven Bishops was for presenting a respectful memorial to that arbitrary king, and he found judges wicked enough to aid him, but there was one good judge who would not. Chief Justice Wright, he ruled it was a libel, and yet he felt compunction of conscience to tell a jury that it was. Another judge took up the same line. Then Justice Powell said "I see no libel in it, but the question of libel is for the jury—libel or no libel?" The jury remained in all night, because there was a servant of the Crown upon the jury—one man. But that one dissentient was wrought upon by conscience, and he came round to the opinion of the eleven. Prejudiced as he was, obtuse as was his understanding, because of his fancied connection with the Crown, he yielded to the force of truth, and in the early morning shouts were heard around the court—a verdict of acquittal had been brought in. The army shouted, and the sound of it reached the Palace. "What is that," said the brutal king. "It is the shouting of the soldiery at the acquittal of the bishops; it is nothing." "Call you that nothing," said King James, and in a short time he was flying over the Thames. In his flight he dropped the Great Seal into the river, thinking the business of the State could not go on without it. He was then flying

to a foreign country, from which he came to this country, where he met with fatal results. The most extraordinary effort was made to try to destroy the liberty of the jury in criminal cases and in cases of libel, and it was founded on this—"Oh, we do admit," say the judges, "that in general cases of murder, larceny, and other cases of that kind, where all is not apparent on the record, the jury have the undoubted right of disposing of it and saying guilty or not guilty. But libel is an exception. Why? Because the libel is expanded on the record, therefore it is an exception. We will only allow the jury to find whether the unfortunate man published the libel or not, and we will not allow them to find whether it was seditiously or not. We say it is a question of law for the Court." Gentlemen, you will hardly believe it, but is positively the fact that when the jury brought out a verdict according to Mr. Erksine's view—"guilty of publishing only"—he certainly did publish the libel—oh, the judge would not take it, and he insinuated—"well then, of course, gentlemen, you find the inuendoes?" "Oh, my lord, they do not find sedition," said Mr. Erskine. "Oh no," said the jury, "we do not find a bad intent—we only find the publication." "I won't allow that," said Mr. Justice Buller, and the Judge, Mr. Erskine pressing him to accept it, had the audacity to tell Mr. Erskine to sit down. Mr. Erskine replied, "I know my duty as well as your lordship knows yours, and I shall not alter my conduct," and he fought the judge. Although the Dean of St. Asaph, whom he was defending, was convicted, the Court afterwards unanimously arrested judgment, and what was the result? Charles James Fox and Mr. Erskine brought in the Libel Bill, restoring to jurymen the power to decide the whole question of guilty or not guilty, leaving the Court to give their opinion—which the jury ought always to listen to with profound attention and respect—but never dispensing with their own judgment or their right to give a verdict—"guilty" or "not guilty." Sometimes wary and clever judges tried to entrap juries into what they called a special verdict. "If you find a certain number of facts we will draw the conclusion." No, no; there would be an end of all liberty if that were allowed. The jury of their own voluntary wish might say, "We will find a special verdict, and leave the Court to determine whether the parties are guilty or not guilty on those findings." Shameless abandonment of their own duties and rights! In that very case I have quoted it is to the immortal honour of the English Bar that Mr. Bearcroft, one of the ablest of lawyers, who died too young to merit promotion, or rather to receive it, when Mr. Erskine argued for the rights of juries, Mr. Bearcroft, who was for the prosecution, admitted their rights. The Judge interfered and said, "You mean their power, not their rights." "No, I do not," replied Mr. Bearcroft. "I say it is the constitution of my native country that the jury have the power and the right to decide the whole question; and the very inquiry that will be made of the jury is, "How say you, gentlemen, is the party guilty or not guilty?" The verdict of the jury was, "Not guilty;" and accordingly the Dean of St. Asaph was free and liberated. Gentlemen, I feel very strongly on this point. I entertain no doubt of the law, and I never shall deviate from it, and I know that under the law which Charles James Fox introduced, and which is now used by analogy, in civil cases the judge invariably asks the opinion of the jury. He may say, "I think it is a libel," or he may say, "I will give no opinion at all;" or he may say, in the language of an eminent judge, "I really feel great doubts—I cannot say whether it is a libel or not, because you have to look at the whole of the cir-

cumstances, as a jury trying a criminal case would, you have the constitution and the power to tell me the result of your deliberations upon the whole matter before you." You have heard the opinion of the judges upon the point of law. You have to apply the facts, consider that law, take the whole into your consideration; but, finally, you, the protectors of the people of the country, you are to decide. Every man is to be tried by his peers, by his equals—his *pares*. You are to try as to your peers. Don't mistake the office you occupy. It is called the petty jury. Don't imagine that that means the little contemptible jury. It means no such thing. It means the highest and best; but it is called little because it must consist of twelve and no more; whereas the grand jury must consist of twelve and may consist of twenty-three. Therefore the grand jury is the numerous jury; but the petty jury—the jury of twelve, must all agree, and they have now for many centuries ruled the destinies of England. Gentlemen, in order to hasten not unduly to a close, and in order to give an outline of the case which I shall expand fully before you, I tell you that in the county Cavan alone 700 human beings were driven out; the crowbar brigade pulled down the houses for two days successively; the furniture was thrown out upon the road; the people under the pitiless rain, in the month of September. At two houses inhabited by people suffering from typhus fever, the crowbar brigade implored the agent to save the people; the houses were ordered to be unroofed, and the sick people covered with a winnowing sheet; the houses were unroofed, the women wailed and screams of terror and consternation followed; and, gentlemen, on this occasion, to their honour be it spoken, the men, the officers of the police, actually cried like children at the dreadful sights. Gentlemen, in the county of Meath, a hundred persons were driven out of Sculogstown; 300 souls in another place in 1869 or 1870, all the furniture and effects cast out on the roadside; the tenants reduced to beggary, and no tenant on the estate dared shelter them; all the houses were levelled, and all the land turned into pasturage for bullocks. In the same county on another estate eleven families of eighty persons were thrown out. Gentlemen, in the county Leitrim the wholesale evictions were fearful. One poor widow had her rent doubled; one poor old man was evicted and died the next day; one poor man sold hay against the rules of the estate and was fined £11. Go to the counties of Mayo and Galway. All the freedom of the mountains—the pasturage there—taken from the poor tenants—withdrawn from them. The village of Glenveigh was cleared; forty families in the village, then well to do, were swept to the winds, and the lands were let to one tenant. The landlord cleared out the whole of Louisburgh and six villages, in all nearly 2,000 families. Gentlemen, in the county Mayo there was once a village, prosperous, called Dromana. There is no village there now at all, it is swept away, and a Scotch steward and gardener has taken the place of the people. Instances of the most shocking oppression and exaction—I am on the clearance question now—dreadful evictions at Islandeady; 340 families, 200 houses, cleared out and tumbled in one day.

Mr. Justice FITZGERALD.—What is the date of all this? What date are you giving for these transactions?

Mr. *Macdonogh.*—1849, my lord.

Mr. Justice FITZGERALD.—Do you think, Mr. Macdonogh, we can possibly on this trial enter into an inquiry as to what occurred in 1849? There was a general exodus of the people at that time. I am pointing out to you this is entirely foreign to any issue we have to try.

I don't want to interfere with your discretion in statement; but now I understand you are stating something that took place in 1849?

Mr. *Macdonogh*.—Yes, my lord.

Mr. Justice FITZGERALD.—That is thirty-two years ago. It is impossible for us to enter on this inquiry. I won't interfere with your discretion in statement, but I tell you in the first instance it is a matter we will not receive evidence upon; it is a matter entirely irrelevant to the issue the jury have to try. We will assume for you in the amplest way possible that there were great complaints in the country against the land system of the country, that there were abuses of the power of landlords, and that there was a fair case in which all parties interested had a right to seek for any reform which you can imagine in that land question, to seek it in a constitutional way. But as to going into details of these matters it is impossible for us to receive them, these details that are being now stated.

Mr. *Macdonogh*.—Well, may it please your lordship, I respectfully must insist upon my right to state the history of the country touching the land question within the reasonable bounds.

Mr. Justice FITZGERALD.—Well, you know, Mr. Macdonogh your right of statement, I am not seeking at all to abridge it. I always trust to the discretion of counsel in these matters; but, strictly speaking, your right of statement is confined to that which you would have a right to prove afterwards; and as well might you propose to add now the works of Bishop Berkeley and of Dean Swift as part of your evidence in the case as to enter into these transactions of 1849, which we cannot inquire into. Your statement is so interesting to myself I am unwilling to interfere with it, but I am the guardian here of the public time.

Mr. *Macdonogh*—Well, my lord, I listen, as I do at all times, as you know, with profound respect and esteem to everything that falls from your lordship. You are good enough to say that the statement is interesting, and I lament to say it, deeply interesting from its magnitude and character; and my lord, I refer to authority on the subject, for in the Queen *v.* Dowling, decided in the Central Criminal Court in 1848, referred to in Archbold's "Pleadings and Evidence in Criminal Cases," 143, 16th edition, the Attorney-General having in his opening address to the jury made reference to disturbances in Ireland, Erle (*Justice*) held on objection made, that such reference was not regular, that it was laid down in books on evidence that allusions might be made in courts of justice to notorious matters, even of contemporaneous history.

Mr. Justice FITZGERALD.—I am not at all objecting to that. Let me test you at once. You say in Leitrim a widow had her rent doubled. Am I going here to enter into an inquiry about this Leitrim widow, whether she had her rent doubled or not? And if so ought I not to hear on the other side the landlord's statement as to what cause there was for doubling her rent? I am not interfering with your discretion, but I am pointing out to you that matters you are stating in detail in reference to the year 1849 are totally irrelevant, and matters upon which we can receive no evidence.

Mr. *Macdonogh*.—I shall respectfully ask your lordship to receive the evidence, and upon these grounds. My lord, these gentlemen are indicted for conspiring with certain intents. These intents are described to them—that their objects were to create strife and discontent between these two classes, landlords and tenants, to reduce the income of the landlords; that these were their wicked purposes. What do I propose to show? I say No—it is utterly false. We have no such wicked purpose—no such design. The designs

were of a nobler character—they were founded upon what we will prove, not isolated instances of oppression, but a system of oppression hanging over our own recollections for the last fifty years. We will prove that chronic state to have taken place during these fifty years. We will prove that Parliament was appealed to over and over again to correct it. We will prove that Parliament failed to correct it —I will not say failed in its duty, in the highest court of the realm; but they did not do it. The intentions of these gentlemen were laudable, and not censurable. It was founded upon this which we have the witnesses here in this hall to prove, that during the last fifty years, and particularly the periods of 1870 and 1880, the direst distress prevailed, as the consequence of clearances of villages, destruction of habitations, expatriation of the people, forced emigration, and that misery and ruin followed. And I conceive with the greatest respect in order to show that men's designs were innocent, that men wish to achieve certain good purposes, these purposes could not have been good and righteous if there were no oppression. If the conduct of the landlords was not what is proposed to be proved, not in isolated instances, but ranging over districts of country, like the Glenvea evictions—if these oppressions did not exist, then you, gentlemen of the League, have no business to form yourselves into a League at all. But if, on the contrary, you are prepared to show that the direst oppression covered the land, that the clearances depopulate the country, therefore, their designs were innocent, and surely that is the best justification of any men. Suppose, my lord, that a man was charged—"You have committed murder; you shot a man entering your house." Well, what is my reply? My reply is, "Yes, I shot a man, but I am not guilty of murder; he sought to commit a burglary in my house in the dead of the night; I killed him; therefore, I am innocent, for I was the party oppressed; he was the intended assassin; I am not a murderer." I prove first the antecedent fact and then show that this is a justification for the intention which I assert. I am on the question of intention, and I submit it for the consideration of the learned judges. They, however, have an undoubted power to receive or refuse evidence; they will exercise that power according to the law. I shall defer with all the due respect I feel to this ruling, but I never will relinquish my right of putting forward this—and that I never can be excluded from—namely, that the intentions of my clients were in the highest degree to be approved of. Is it not of all materiality to show we are associated together in innocent combinations, posting up the "Land League" on our doors, issuing an address to the people which is to be the title deed of our concern, "that we were oppressed," that when we look back retrospectively over Ireland for fifty years we saw the land covered with oppression, that emigration had diminished the number of the people from eight millions to five millions—to four and a half millions or five millions. That oppression existed, as the foundation of my case, I think it won't be denied for one moment, and in the years '70 and '80 I am at liberty to show clearly and plainly the oppression that ground down the people in misery, and in the proposed Act of Parliament, the ground suggested was the inability to pay rent attributable to the distress which they suffered under? If it were, why then it is perfectly manifest that we did not combine for this illegal purpose of diminishing the income of the landlords, of impoverishing the landlords or reducing their means or substance. I throw it out for the consideration of the jury and will endeavour to argue it before their lordships afterwards; but at present I say it generally that I am prepared to range through each one of

the counties which are scheduled in that Bill, and to show the general results; and surely I will take the liberty of making this observation in reply to the learned judge, and I throw it out for his lordship—the proof, for example, of one single act of cruelty and intolerable oppression towards a widow or poor person or lone person; that may be in some sort objectionable, because the persons who perpetrate these cruelties are not here. Oh, no—they are doing it vicariously. The landlords are filing their bill of indictment under the respectable auspices of Her Majesty's Attorney-General. They are not here; but does that apply to the universal clearances of land—to matters notorious as history—to the sweeping away of whole houses, hundreds of houses; and is it not clearly admissible in evidence, to show that at one time within the history of man and recently 200 houses in a given spot were inhabited by people then cultivating the earth, toiling with the sweat of their brows, and that these men were evicted, the houses pulled down, and that owing to the intolerable oppression which they suffered. The League felt that no benefit could arise from meek and gentle applyings to Parliament—that one section of Parliament countervailed the other, and that they tossed the Bills to and fro. Commission after Commission all ending in nothing—in reports. Have you not now in evidence this before you—that one of the expressions in one of these documents was—"We hope that when this will be achieved this League will end." Gentlemen, can it be doubted that if a good and beneficial Act of Parliament were passed to-morrow—can it be doubted that the League would then, acting upon the same patriotic principles which had actuated them throughout, say—"Our mission is fulfilled—we have by the force of public opinion aided the Government in the carrying of a measure." I remember the case of a distinguished statesman, talking upon the other side of a table with another, who was endeavouring to obtain redress of grievances in England, say—"No Government can aid you unless you have the country with you;" and, therefore, it is that the sense of the country must always precede effective legislation. And I think my learned and right hon. friend beside me, the Attorney-General, will go over to his duties in Parliament, when you shall have acquitted those men, and say—"They are not guilty conspirators—they have tried to aid you, the Government, in passing good measures. You have failed in doing so; they are strong in the opinion of the Irish people; they are unanimous for a land law; let us pass a good measure." No one could devise a better Act of Parliament than my learned and respected friend; let him toil at it; let Mr. Gladstone fulfil his honest intentions; let the Right Hon. Mr. Forster, who is well disposed towards Ireland also—let him fulfil his intentions; let him carry them out, and so surely as it shall pass, and they shall pass a good and beneficent Act of Parliament, you will hear what the conduct of these impeached conspirators shall then be. Gentlemen, I told you, and we have a larger map representing that melancholy scene—there, the black—the dark part of that map (map exhibited to the jury) shows the various districts in Ireland scheduled in this Bill. It is a melancholy, it is a sad thing to look at—what ought to be the fairest island in the world—defaced by misery, and in all probability, if these evictions had not been stayed, defaced by crime. Gentlemen, adhering as much as I can in the discharge of my duty to any suggestion of his lordship, I pass at present on; but I shall argue the question over the various instances in the different counties of Ireland which I have intended to lay before you. In fact, gentlemen, you will turn to——

Mr. Justice FITZGERALD.—Mr. Macdonogh, you stated yesterday a

number of Parliamenary returns as to the number of evictions which have taken place. I have not the slightest objection to your putting these in.

Mr. *Macdonogh.*—I am sure you have not.

Mr. Justice FITZGERALD.—But whilst we may consider the general state of the country, we cannot go into these details. I don't know whether the Attorney-General will object to them or not; but we will be prepared to receive those Parliamentary returns. Let you argue anything you like out of them, and you have a right to observe on the Disturbance Bill and the statements in the Disturbance Bill and any schedules or maps annexed to it.

Mr. *Macdonogh.*—I thank your lordship.

Mr. Justice FITZGERALD.—We give you the fullest licence in that way. If you were to go into all those other matters the trial of Warren Hastings would be nothing to that of the Queen *v.* Parnell. It only took seven years, but this would take twenty-one years if we were to examine all that legion of witnesses whom I saw marching down here in frieze coats, two by two, from some district or other—I don't know where.

Mr. *Macdonogh.*—If the trial lasted twenty-one years that would be my greatest comfort in the twenty-first year if I could hope to live to enjoy it. Gentlemen, the learned judge is good enough to acknowledge that the facts and various statistics I brought before you yesterday went to the very point, and there can be no doubt about it, and I call that my rightful liberty, and I say it with great respect. But I have to bring before your lordships and before the jury—can anybody doubt the report of the Mansion House Committee—two pages of it, showing not only the distress of the country, showing not only the depopulation, showing not only the depreciation which took place in the various articles of merchandise in Ireland—agricultural I mean. Nobody can doubt in reference to it, and I must say that it presents the most appalling picture which I ever read in my life. And that is by gentlemen of the highest rank, of every class and creed—the Mansion House Committee—persons who laboriously inquired into, and who distributed funds far and wide to remedy and correct the evils of this unfortunate system. Now, let me say for the Land League, upon the evidence that is before you—that having before them the dreadful events with which they made themselves thoroughly familiar, they were entitled to draw three several conclusions—first, that the failure of the potato crop in Ireland was likely to lead to a famine, and that the proportions of the famine in Ireland must be gigantic. That is number one. If you will kindly either take a note or carry in your good memory the manner in which I distribute the subject I shall feel obliged, and it will be a summary of a great portion of the argument I have addressed to you. And now, looking at the condition of mind in which those gentlemen associated together—and combinations, gentlemen, are the most innocent things in the world—men band themselves together for every variety of purpose, and I may take the liberty, although a little jocosely, to tell you, as I have read, of course only in books, of this description—that there are some articles of female attire, belonging exclusively to the female sex, of a delicate and graceful kind called "combinations." I won't penetrate into that subject. But combinations are the most perfectly innocent things. Of that there can be no question. But, gentlemen, the Land League—they met together, and the first thing they had before them was this dreadful event—that the failure of the potato crop is likely to lead to a famine, and that the proportions of that famine must

be gigantic. Now, they had before them the previous famine which gradually led to the passing of the Bill of 1870. Secondly, they had before them that famine would lead to equally destructive pestilence. That is equally true, and thirdly they had before them that the landlords would take advantage of the famine and pestilence to push the most extreme assertion of their rights. Now, they had these three things before them. Why had they before them that the landlords would push to the extreme limits of their rights? Because on a former occasion when the people were oppressed and ground down by misery and distress—then ejectments were more frequent than before—and with these three things before them—they, having found that the value of the estimated crop of potatoes in the year '76 was 4,154,784 tons, yielding £12,464,382, and that in '77 the potato crop fell to 1,757,275 tons, estimated value, instead of £12,000,000, being only £5,271,000. In '78 the crop fell to 2,526,000 tons estimated value £7,579,000—I am dropping the little fractions—and in '79 the crop fell to 1,113,000 tons, estimated value £3,341,000—say that from £12,000,000 in '76, it fell to £3,341,000 in '79—just about one-fourth. They had these before them—what were they to do? Instantly to endeavour to anticipate the famine; and therefore Mr. Parnell went to America, and therefore he sought far and wide to make collections for the starving people at home, and when he returned finding things growing worse and worse each successive day—and that was on the 21st March, and finding that the Disturbance Bill was rejected in May, 1880, what was to be done? Unless the evictions were stayed the people would be utterly destroyed, and having before them these things, and seeing the dismal prospect of poverty for the country, can you wonder at the ardour with which these gentlemen in various counties, each acting upon his own mere motion, each acting as he thought fit, each speaking as he thought fit, and not with the community of guilty purpose at all, each advocating different remedies—one even suggesting that the true remedy of Irish grievances was the redress of absenteeism, and even hinting at the restoration of the National Parliament which would keep our nobles and gentry at home, and fill the hotels of Dublin—that some even remotely hinted at that being the ultimate result at which they would arrive. Can you wonder that that should be so? Gentlemen, I never can forego, and never will relinquish the proposition that in order to evince innocence of design, propriety of purpose, that the essential basis of the argument is this—that cases existed which required the remedies proposed. The whole history of the world proves that, and that every man's justification will arise out of the facts which led to his motives and the adoption of his course of action. For this purpose history teaches us most emphatically, and common sense would do the same, that wherever any men's acts are impeached in any way, the question for him to decide upon is this—he may either deny totally, or he may confess and avoid, as we lawyers say, or he may explain. There are the three defences open to any man of common sense in every argument. But if he—being in a criminal court, his lips sealed—if he cannot give evidence, if he cannot be heard to state what his intentions were—how then are those intentions to be judged off; how ascertain what led him up to it, what induced it, what caused it? Was it wickedness, was it the invention of a wicked heart inventing falsehood and founding a course of action upon it? Or was it dire oppression—and there is not a single case in history in which the defence of the parties charged would not be—"We were stung to this by intolerable wrong, the *causa causans* moving us was the dreadful condition under

which we laboured." I will take one or two instances directly connected with our liberties, and I will show you that, if the parties were on their trial, their evidence would necessarily be, and their exculpation, the intolerable mischief and wrong and suffering under which they laboured, or the people whom they claimed to represent, and whose condition they wished to ameliorate existed. Gentlemen, upon the first introduction into England of the Norman conquerors what did they do? They swept away whole villages—directly to the very point here. They loved what they called the chase, the art of venery. They loved it; they enclosed rivers and put them in defence, and would not allow the subjects of the king to catch the salmon in the rivers because they should be reserved for the royal pleasure. They "afforested," they made forests of whole districts of country and swept the villages out of that. The worst tyrant of them all, because the most wicked, was John. John who first came to Ireland when young, and who, you may remember in your reading of boyish history, offended all our Irish chieftains by running about plucking their beards—they wore long beards at that time—the Irish chieftains. I mention it to remind you of the person I am speaking of. His cruelty and intolerable tyranny, his depreciation of the rights of freemen aroused what? Aroused a spirit amongst the people of the country, amongst the clergy, and amongst the Barons, and one clergyman—Stephen Langton, the Archbishop—will for ever remain in history. His memory is consecrated. He has made a monument for himself more perennial than brass. And what did they associate for? To pluck from him the great charter of our liberties which you now enjoy, for I must tell you that Henry III., his son, sent over a little Magna Charta to Ireland, of our own, exactly a transcript of the Great Charter. Well, the Barons with arms in their hands and the Church banners—they were all Roman Catholics at that time—the banners of Holy Church, then over the heads of the Barons—they, for freedom, stood up in defence of the freedom of England, and after quarrelling with the king, resorted at length to that magnificent Norman keep, which, I dare say you have all seen, with the standard of England floating proudly over it, within eighteen miles of London. They went there, they encamped upon the banks of the Thames at that lovely spot designated Windsor, which takes its name from the winding shore which sweeps round the castle. There they stood, on that hot summer's day, and the haughty John, who would have immolated every one of them if he dared—if he could have got a jury. He could easily have got a judge—no difficulty at all; not the slightest. They had the power, gentlemen. They nominated the judges, and if a judge dared to disobey a single word, they dismissed him. One of the greatest lawyers that ever lived, Francis Pemberton, was Chief Justice, and because he would not do what the wicked tyrant Charles wanted him he was dismissed, and he had to go back and address as a barrister the juries he had frequently advised as judge. But John could have got easily any number of judges dependent upon his will, he having the power of promotion—to deal with them as he liked, or power of dismissal. But the jury he dared not approach. Twelve men who would take no law to justify wickedness. They saw before them the banners of the Church; they saw before them stern and determined men who came there for their rights; and what were their rights—that no freeman shall be taken, shall be imprisoned, or by any other means destroyed—we shall not go against him; we shall not find against him; he shall not be in any manner disparaged, save by the judgment of his peers, or by the law of the land. That is your charter, and the judgment of the peers.

The judgment of the jury is as free to-day as it was, and that is upwards of 600 years ago, and on that beautiful bank I saw with my own eyes a tree—the anchorite yew—which on the very day that Magna Charta was signed, put forth its blossoms and its buds to the sun, and I saw it after the 600 years still vigorous in its old age, and I suppose it is there still—a remarkable, an extraordinary fact, it occurred to me, as I saw it, and heard its history and read of it. And, gentlemen, such is our vigorous freedom. It has ever since existed. Now, if the barons and if the members of the Church were indicted before a jury, they would be told by one of his judges—"Gentlemen of the jury, you cannot hesitate about this case." They appeared with arms in their hands—they were rebellious subjects; it was not a little conspiracy at all. There they assembled—they violated the law, and conspiracy means to violate the law. Well, they violated the law, and openly went to their King, not by modest petitions—not with the prayer of the poor Seven bishops, sent in to that truculent tyrant James, who, when his own nephew knelt and besought his pity, and clung to his knees—the noble and gallant Monmouth, son of Charles the Second—and implored him for God's sake to give him his life, scorned the prayer, and sent him for execution. As bad and as wicked as the judge who, at the Monmouth Assizes, tried Lady Lyle, an old lady of eighty-five years of age, when an honest jury came out and told him—"We find no fault in this old lady;" but what was done? A poor Presbyterian came on that day from the battle he had been present at—came and rushed into one of her outhouses—she said, "I don't know him; I had no information that he was a traitor, and I did not receive a traitor knowingly. My two sons were fighting for the king." I will tell your lordships further; they could not have counsel assigned to them in those days except to argue a question of law. And the ruffian judge—what did he do when the honest jury came out to say they could find no fault in her, they could not find her guilty? He said, "If she were the mother that bore me, I'd convict her; go back." The jury did not know their influence, and the unfortunate lady was beheaded—conduct really dreadful, and which shows you what an advantage the Great Charter is. No man now can be imprisoned; no man now can be destroyed in any way, save by the judgment of his peers. If these men had been indicted by John, what would have been their defence? I suppose his cruel judges would have said, "Oh, you may say what you like"—they could not have counsel at that time, the unfortunate people. "You must speak for yourself. You call in no counsel unless to argue a point of law;" but what can they put forward except a point of law? And if they did, what could they put forward? they were under intolerable oppression; they might say, "We will prove to you that this John was the most barbarous of human beings. We will prove to you that he sacrificed his people, denuded villages, afforested the whole country. We wanted that restored." And they did get them restored; the country was disforested, and not only that, but the rivers were thrown open to them. And yet their judges would have told them, "It is wholly irrelevant, what this mischievous king did to you. You cannot inquire into all these things, the proof is of no consequence; what you have to try is, these bishops and barons assembled with arms in their hands; if they did that, it is conspiracy." But I tell you they conspired by illegal means to extort from the king this supposed good, and then men might have been convicted. And then, gentlemen, what I insist on is this—that I am to be at liberty to prove the causes which led to these gentlemen associating together; what their intentions

were; what is ascribed to them, that they must be held innocent of all crime. Gentlemen, a great deal more might be said and urged by me. I am reminded by the learned judge that time is valuable. Why, so it is. Justice is more valuable. However, gentlemen, my tale is nearly told. I have now stated all the proofs which I shall request leave to prove. I regret to say we cannot go to the House of Lords upon any earthly subject of rejection of evidence. We cannot do that except upon the record—a marvellous omission which I hope will be corrected in the next Act of Parliament on the subject; for where a man's life and property, his liberty and reputation, are all dependent on the subject, there ought to be an appeal in criminal cases of this character from this High Court to another Court to rectify any mistake which might occur in the course of such a case, as the exclusion or admission of evidence. Gentlemen, I have said my tale is told—not the one-half of what I propose to prove — of what I shall ask leave to prove from their lordships. Gentlemen, I am not aware that I ought to occupy your time longer. I am confident that if right prevails there shall issue from that box a verdict satisfactory to your consciences, that you may, after pronouncing it, lay your heads on your pillows, and that you may be enabled to thank your God for the possession of the intellects which enables you to search out oppression and wickedness, to defeat it, and to acquit the innocent. And, gentlemen, if I should be in any manner instrumental in effectuating that object, it will be the happiest day of my life when I shall hear from that box the glorious statement—Not Guilty.

The Court then adjourned. On resuming,

Mr. *S. Walker* addressed the jury. May it please your lordships and gentlemen of the jury—According to the course that has been arranged, it has now become my duty to lay before you some observations on behalf of one other of the gentlemen who are charged as criminals in this information. The particular client who has been assigned to me is a gentleman well known, Mr. Biggar, a Member of Parliament for Cavan county. Need I say, that in standing up to address you in this all-important case, and speaking, as I necessarily must speak, not merely on behalf of Mr. Biggar, but those who are associated with him in these prosecutions—need I say how happy I was to find that on yesterday the duty of stating this great case had not been assigned to me, and that it had been their good fortune to have to plead their cause and open for them, the veteran counsel, who triumphed over physical suffering to fight one good fight again. Gentlemen, it has been said, no doubt, that time is of all importance in this case, and I can scarcely hope, rising after my learned friend, who addressed you with all his wonted ability, with all his native eloquence, that I shall have from you the patient hearing that otherwise I might, but still I am dealing with a case which concerns the precious liberty of honourable men, men who, if they erred, erred for their country's welfare, and erred without one motive of self-interest, without one selfish end to gratify, without one hope except to earn the gratitude of their country. Gentlemen, I am dealing further with the case which occupied my able, learned, generous, and manly friend—I say the Attorney-General occupied for three days in stating the case, nine days in attempting to prove—to prove, by grouping from speeches read during the nine days, this attempt at fabricating a conspiracy; and I believe there was one word—one sentence—at the close of my able friend's manly speech which commends itself to everyone here—that he had embarked in these

prosecutions with pain; and I believe there is not one in this Court who would be more rejoiced, whose generous heart would be more deeply stirred, when a verdict of acquittal shall have come down from you. Gentlemen, in this case there are fourteen gentlemen—fourteen traversers. Many men among them never met at any meeting; many men among them who never met at all. They lived in different parts of the country — Mr. Biggar in the North, Mr. O'Sullivan in the county of Kerry — but that's no matter. My learned friends are prosecuting here under this convenient and elastic doctrine of conspiracy, which is discountenanced and has been so by an eminent judge, by British and Irish law. By this convenient and elastic doctrine of conspiracy, they must show the object they met to promote was legal. If you say the object they met to promote was legal, nay, that it was just—nay, that it was holy—nay, that it was wise, yet even in the furtherance of that object, good and just, isolated expressions may be used which wise men may condemn. If in the furtherance of that object an isolated speech may occur, incautious or hasty expressions used, you may be asked to draw the inference—that though some were then in Parliament, that though Mr. Parnell might be then in America begging for a starving people, that they, by doing this, had this common concert and illegality in their mind. They will ask you to infer that they all entered into this illegal conspiracy, as it has been called, a mutual illegal compact to do an illegal thing, or to do it by some illegal and wrong means, to do a thing which would otherwise be right, and then they point to speeches of Mr. Walsh, Mr. Harris, Mr. Nally, and Mr. Gordon, fastening upon one isolated passage here and there. They will tell you this is illegal, that is illegal, and so from all they try to weave this network of conspiracy to catch honourable men. Gentlemen, they will try to do that, though the object for this common purpose is not to be found in the object for which they associated, for we will prove to you—I think my learned friend has proved to you—that if ever there was an object legal and just it was the object founded in 1879 by these fourteen gentlemen—that object being to create in this country of Ireland a peasant proprietary; that is the object, to invest the ownership of the land in the tenant farmers; to transfer from the landlords who own it now, and do that not by confiscation, but to do it by a scheme that is framed, and is to be found in the books of the Land League—to do it by paying the landlords either a fixed sum or an annual sum. That scheme, as has been told to you by my learned friend, the Attorney-General, is a right and just one. Over and over again he has told you so, he could not avoid telling you so, and that is the foundation of the Land League. The whole object of this scheme of the Land League is a peasant proprietary—as just and wise as ever entered into the hearts of men—to put an end to eviction and the dreadful and cruel crimes that follow from it; for the one is the parent, the other the child—one is the cause, the other is the effect. Agrarian crime has been the curse of our country. Remove the cause and the effect will cease. Gentlemen, my learned friend the Attorney-General—and it is perhaps the only part of his speech with which I find fault—he carped at the occupation of these gentlemen; he alluded over and over again to the occupation, or the supposed occupation of Mr. Gordon, who, it was asserted, was a boot and shoemaker in Claremorris, and Mr. Nally was the special object of his regard. Certainly some of these gentlemen who are here as traversers bear as high a character—as high and honourable a name—as any in the court. Mr. Parnell's antecedents and character are before you. Mr. Dillon is

the son of one whom we all know. All respect the character of John Blake Dillon. His character has been drawn by his brother in the loved object in the cause they strove for—Sir Charles Gavan Duffy—and the fact of Mr. Dillon being his father's son commends him to our respect and sympathy. Gentlemen, I am not going to say one word about Mr. Nally—far be it from me that any but Mr. Curran's referential speech should interfere; but I may tell you this, gentlemen, of Mr. Nally, and this of Mr. Gordon, which you have not been told yet, that neither of them is a member of the Land League, that Mr. Nally never was, and my learned friend, the Attorney-General, over and over again, in the course of his speech, called attention to this—"If Mr. Nally used these words, why did they go on paying him, why did they employ him, why didn't they dismiss him?" Perhaps no one would be more glad to receive one penny from the Land League than Mr. Nally—that is part of the imputation of the Attorney-General. Mr. Nally is one of those gentlemen who, come what may, once he gets the scent of a public meeting must speak, whether before, at the middle, or after the meeting, if he gets the chance, no matter in what state of sobriety he may be. So far for Mr. Nally. Mr. Biggar, as I told you, is the more immediate object of my concern—according to the speech of my learned friend, the Attorney-General, he is one who associates with Communists, with people who have adopted the philosophy of Mill, that there ought to be no property, Mr. Mill's doctrines as to rent have been entertained by some of these gentlemen, Mr. Brennan I believe. Communism, I believe, has been preached by another of them, but repudiated by Mr. Sheridan in one of his speeches; but above all men in the community you will say, I think, that Mr. Joseph Biggar, a merchant of Belfast, with his Northern ideas of the rights of property, possessed of a very large property, a merchant in large business, that he is the last man into whose Northern mind would creep in ideas of Communism. But my learned friend relies on this and other matters here as evidence that there is one common purpose. He has referred to the ideas on Communism preached in some of the wild words used by Nally or some of them, that there is a common concert. Gentlemen, I say to you at the outset of this case, where that illegal conspiracy existed, for you will find the views of these fourteen gentlemen divergent to the last degree. If one of them is a Communist, be it so, for the purpose of argument. If Mr. Harris used wild words, which he apologised for next day, as to Communism, is Mr. Biggar a Communist? If Mr. Nally used illegal expressions, is not it the fact the more violent and the more unjustifiable the language, the stronger the argument that no community existed between the men. My learned friend, the Attorney-General, told us himself that public men of the highest eminence were in favour of the project which these men were promoting; he told you it would be of immense benefit that all reasonable men would agree that that object should be attained. And now we have it on a common platform, in the Protestant North, in the Catholic South, in the Presbyterian North, they are met regardless of past differences—met to promote the one great object — the establishment in this country of a peasant proprietary, remove crime, make this country instead of its being what it unfortunately has been with a blood-stained history, make it peaceable, prosperous, and happy.

Gentlemen, at the opening of this case, and preliminary to the observations I intend to make, I wish to call your attention to this many-headed information, containing nineteen counts, upon which the traversers

are to be tried. There are two of them, as I understand, founded upon statute 29 Geo. II., cap. 12. It seems to me, I confess, wholly immaterial for the purposes of the Crown case. It seems to me, in point of law, that that statute has no earthly application to such a case as is before the Court now. If the case was proved they then would draw the inference which, by the Crown, they are asked to draw—if they believed by the evidence it would found such an inference the common law would supply a remedy, but so far as regards the statute—I don't know whether your lordships have looked at it—but it appears to me to have no earthly application to the case before the Court at all.

Mr. Justice FITZGERALD.—I didn't gather from the learned counsel for the Crown that two of the counts were founded upon it.

Mr. *M'Laughlin.*—Undoubtedly, my lord.

Mr. *Peter O'Brien.*—Certainly, my lord.

Mr. *Walker.*—The words my friend used were—"That two of the counts in this information are founded upon that statute." But as the observation has been made, and as two of the counts are founded upon it, I wish now to call your lordships' attention to the provisions of that statute. It indicates, as I read it, "That all bonds, contracts, covenants or agreements heretofore entered into, by or between any tenants with intent to hinder or obstruct his her or their landlord or landlords or agent or bailiff of such landlord or landlords in setting any lands to the best advantage, or in distraining for any rent or arrears of rent, by or between any parishioner for the purpose of binding or obstructing any rector, vicar, tithe-farmer, &c., in drawing or settling or selling any tithes to the best advantage, be, and they are hereby declared to be illegal, null and void." That is beginning with the parol—that all bonds, contracts, covenants or agreements hereafter to be made and entered into, that is they are to be a covenant entered into in writing, either if it is a specialized or a simple contract. These contracts are struck at and declared to be null and void, and—"Persons entering into such bond, covenant, or agreement as aforesaid, or who shall knowingly publish or cause to be published any written or printed advertisement, which shall deter or threaten with violence and injury or harm to any landlord, or with the intention to procure or encourage any unlawful combination of tenants or obstruct his, her or their landlord in the collection of any rent, every person so offending is to pay the sum of £5 sterling"——

The *Attorney-General.*—Or he can be imprisoned.

Mr. *Walker.*—"Or upon summary conviction, before a magistrate, is liable to imprisonment." Therefore, my lord, that statute appears to me to be wholly beside this prosecution; yet, if anything is founded upon the provisions of this statute, it seems to me, as a lawyer, and I submit it to your lordships, that it has no earthly application to the case before the Court. Now let us see what this indictment is. Of course to read any portion of it would utterly confuse you, but we will see what are the objects at which they are striking. I do not suppose that from the eloquent reading of it by my learned friend, Mr. Ross, you felt yourselves much enlightened, and, therefore, I shall not attempt to follow him in that course. There are eight of these counts, as I understand it, which deal with the question of rents, and that what all these eight counts allege in substance is this—"You intended to injure and impoverish the landlords, and with that intention you entered into an illegal conspiracy to induce the tenants not to pay the rents, by various means, which are stated in these counts. Now, that is the sub-

stance of the first eight counts, and so that gets rid of eight out of the nineteen. Founded upon this existence of an unlawful conspiracy amongst the traversers—illegally and unlawfully combined together—it is desired to be proved by the Crown before you, not that one man entertained the idea, not that one man spoke of it—but the existence of a conspiracy between them all, and the next thing which it alleges is this, and it is also one of the foundations of this information—"the intent to impoverish and injure the landlords"—that is alleged in one set of counts—"those landlords who had let their lands above Griffith's valuation, or those who let their lands at Griffith's valuation." Griffith's name is brought up in this case, and I suppose it is the first time that that honoured name was brought into any information. In these eight counts it is alleged that these fourteen gentlemen entered into a conspiracy, and procured others to conspire, to prevent others from taking any land that had been seized, by, after the seizure of that land, entering into an agreement with others not to bid for such land at any sheriff's sale, and, therefore, to impede the law and to frustrate executions, and that they procured and prevented the carrying out of the law in reference to certain evicted tenants, by preventing others taking the evicted farms, for the reason stated, with the intent to injure the landlords and the persons anxious to take the evicted farm; and the 19th count—the last of the drag net, as it were—alleges that they did unlawfully and seditiously enter into a conspiracy, and intended to create disaffection among the subjects of the Queen, and to create ill-will between landlords and tenants. And that we seditiously conspired to create ill-will between landlord and tenant! That is, that we illegally entered into this conspiracy to create ill-feeling between the landlord and tenant class. But the foundation of all that statement comes to this—"conspiracy" and "motive." These are the two subject matters with which, as jurors, you will have to deal; and beyond all, and especially, of the existence of the conspiracy—that they conspired or concerted to carry out some unlawful purpose. The Attorney-General commented upon the documents which constituted the Land League, and he submitted to you that they were illegal. Secondly, he said, even if they were legal, we all concerted and conspired, and entered into an illegal compact, to carry it out by unlawful means, and he attempted to prove that by reading to you some one hundred speeches. Now, you will remember this—not one person is charged with any act unlawful, not one person is charged with any word unlawful, no person is charged before you either with a seditious act, word, or thought; but what they are all charged with is for the common concert of illegality. Then what the Crown have to prove is this, and they must satisfy you of it beyond all reasonable doubt, for that is the just and merciful law of the land, that they entered into this agreement for the illegal purpose, or into the agreement to afford illegal means to carry out the unlawful purpose. But I tell you this is a matter of law—which their lordships will, I think, endorse when they come to charge you—that though one or more of these gentlemen—nay, they all—might have used in the course of their speeches some unlawful expression, yet that would not prove the case of the Crown, because what they must prove is the existence of a conspiracy, not the unlawful act or word of the individual. And furthermore, they must prove that conspiracy by a state of facts inconsistent with innocence—inconsistent with innocence. Those are the propositions now which the Crown must prove; and therefore it is that I rely and point out at the outset of this case the divergences of opinion—the divergences of expression—between these gentle-

men in their various speeches, which so far from supplying the idea of a conspiracy at its very threshold, rejects it. Now, gentlemen, these prove it is vain for the Crown to point to the speech of Mr. Harris, the speech of Mr. Nally, or the speech of Mr. Brennan, and say that those speeches were delivered at meetings last year, and that these were unlawful expressions. They assert that these were horrible expressions, and that these were incitements to the crowds that listened to them. But they do not bring the Crown case one iota nearer. No. Neither do you find anything in the speeches of Mr. Parnell, Mr. Dillon, Mr. Biggar, and others. But my learned friend himself told you that in their speeches you would not find any expressions such as this, and so far from expressions incautious or hasty to assist the Crown case, they go to negative it. And, gentlemen, let me ask you this—if these meetings were illegal, if these words were wrong, and they were uttered in May last, is it to be the case that these words, so unlawful according to the statement of the Attorney-General, and so bad—that they were allowed to fester before the public for months and months, during the whole of last summer—no meeting prohibited—no meeting said to be illegal, and no meetings prevented by the Executive; and Mr. Brennan, at this moment the subject of a prosecution at the action of the Government for some illegal expression of his—can it be said now by the Attorney-General in this month of December that they will go back to those meetings which by the action of the Government must be declared to be illegal, but those meetings were not prohibited—they were protected—it is impossible for the Attorney-General to make that statement before you without saying, "I, the Attorney-General, neglected the high duty"—which I know he would not—"neglected the protection of the public and of the peace." Ay, is not the truth of it this: That these prosecutions have been hounded on by a class, my lords; that it has been urged on by those who thought their rights were being invaded by the objects of this League, which they thought were being directed against that class, who when public opinion was appealed to, found that public opinion was against them, speaking loudly against their rights; and when they found that this is so, and when they go to the public Press and write in it, and when they have meetings, when they have a land committee, and when they have organizations of landlords, and they appeal to every authority, written and otherwise—from Holy Writ down to a shilling pamphlet—when they fail in that is not the next course to try and induce the Government to take up this prosecution, and in the month of December, to try and find them guilty for acts that they were allowed to do, unchallenged and unheeded. And, gentlemen, then in this month of December, they are to ask a Dublin jury to help them to grope through the darkness of a hundred meetings, to find out the desired conspiracy. Gentlemen, these persons for whom I appear as counsel, feel this, that it is unfair that these charges should be now brought, unfair that they were to be prosecuted, now at this time, when Parliament is assembled, when coercion and land reform are the burning questions of the hour; it is felt rather hard by some of them—the men who lead what is called the Irish party in the House of Commons—five of them at least, who are traversers here, should be, perhaps, gagged, and their mouths stopped during the coming session by this prosecution—a prosecution which ought, according to the Crown case, to have been instituted long before. Gentlemen, my learned friend took credit to himself for having adopted this form—having this form of information

sworn, and he gave us three grounds for it. It saved time, he said; it saved excitement, and it was for the benefit of the traversers themselves, because they would not be arrested. Gentlemen, that it has saved time I appeal to you at the close of this trial. That it has saved excitement, being in the city of Dublin, I will also appeal to your reason as to whether it has, or whether it has been out of consideration for the traversers that this form of prosecution should be adopted against them, and that this doctrine of conspiracy should be pressed against them—that for some word—this or that idle word used by this man or that man, even when the broad Atlantic was rolling between me and the rest of them—that those words should support this convenient and elastic network of conspiracy, and that my learned friends should now patch up this stitchwork of supposed criminality for words—idle words—that have been gathered from passages in a hundred speeches. And that is consideration for the traversers! God protect them from such mercy! Gentlemen, we are in a criminal case where the Crown is bound to prove and to satisfy you of the guilt of the traversers—bound to satisfy you the state of facts is inconsistent with their innocence—that this state of things existed. Mr. Parnell and the rest cannot open their mouths in this Court. They cannot tell you how pure, how just, how right their objects were. But, gentlemen, our law then provides in order to prevent such an injustice upon prosecuted men, that the case for the Crown must be, beyond all doubt, clear, and that if they do not satisfy you as reasonable men, beyond all reasonable doubt, of the existence of this conspiracy, there is but one verdict which law and justice require you to give, and that is a verdict of acquittal. Gentlemen, how has this conspiracy been proved, or attempted to be proved—by reporting policemen. Policemen—I think there were ten of them examined, or something like that number, in the case, and it is for you to judge of their—this number of policemen—accuracy and their fairness. You will remember, if you come to find a man guilty on a speech that has been delivered, that one passage or one word in that speech may qualify the whole. A thousand illustrations might be presented to you that would show this beyond all doubt, that the dropping of a word, or the omission of a sentence, makes perfectly innocent that which may become criminal from the mode in which it is reported, either by unfairness or inaccuracy. We have it proved here that a meeting that lasted some three or two and a half hours, as the case may be, occupied some four or five pages of short printing in the reports of these policemen. We have it proved by one gentleman, a Mr. Barrett—indeed he told us very frankly—he made a frank confession when on the table, that his report was all disconnected sentences in the original notes, but that he connected them because otherwise they would have been ridiculous, and he made one consecutive speech of what was only broken sentences. He frankly confessed that. And we had one gentleman whom I cannot pass by in the same manner—namely, Mr. Matthews—and when he wanted to put words into the mouth of Mr. Nally, when the name of the man Feerick was mentioned, he made that alteration during the course of the time before the trial, a week before the trial, he altered what had been his transcript, there was a little shady spot, and that was blotted out. When you looked at it no one could entertain any doubt that it was deliberately blotted out. That is not fairness. That is not the way in which a charge of sympathy with murder is to be supported even against Mr. Nally. Gentlemen, with policemen, they are apt to select what they think is a "spicy" sentence or passage, and send it up to you—not that anyone in the Castle would care one farthing, but it is the

natural tendency of the policeman searching for a conspiracy to select spicy bits, and if those spicy bits are sent up it is a most unfair system of reporting; it is most unfair, because the omission of one word or one sentence nullifies the whole, and makes guilty what would be otherwise perfectly innocent. I shall observe further upon that when I come to deal with some of those meetings, and show you exactly how that has occurred. And now, gentlemen, I shall proceed to deal with this case, and certainly no one can approach it properly or view it rightly without taking into account, and without seeing and knowing thoroughly what was the state of the country as regards the land laws in 1879, for I am not going back into a retrospect of this thing beyond the year 1879, the very year the Land League was first started. Gentlemen, my learned friend who addressed you last went at length—at least at considerable length—and therefore has spared me the task, of going into the history of Ireland. We have been told on different occasions, and I have seen it frequently, that Ireland has no history. Unfortunately, I think it has a very blood-stained history. It seems to me, so far as I have read it, that the history of the land of Ireland is simply a succession of forfeitures—a transfer of property in which the chief instruments of conveyance were fire, famine, and the sword. But, gentlemen, there was one fact which the traversers knew—most of them old enough to remember, all of them knew by their reading, and all of them knew from their fathers—that in 1847 there had fallen on this country a terrible famine, and that out of that famine had sprung eviction, and out of that eviction had sprung crime; they knew, as we all know, that in the year 1847 and in the year 1849, in one year 300,000 persons had been evicted; they knew that whole districts had been cleared; they knew that the consequences of these evictions were due to the famine that had gone over the country; they knew that crime had largely increased in consequence; they knew that but for the exertions of just and good men during that period, more human beings would have perished than the millions that did, or, atleast, the millions, perhaps, that did. None more charitable, none more active in averting that terrible disaster than the Society of Friends, and which we all remember—at least I am old enough to remember, I regret to say—the establishment of—shall I call it a conspiracy, amongst them to avert and to save Ireland from famine, and we have in the transactions of that body one testimony to the people whom they relieved. It is this passage :—"We cannot forbear expressing our strong sense of the patient endurance which the labouring classes have generally exhibited under sufferings greater, we believe, than the people of any other country in Europe have to sustain." There is one Act of Parliament of that year which certainly bears a fearful testimony to the times in which it was passed. The rights of the landlords were protected well, but it was thought that there were two days on which evictions might not be carried out. The common law had already excluded Sundays. But in "the Act which was passed for the relief of the destitute poor evicted in Ireland" — for these are the words of that statute—it is enacted that on two days—the day of the Nativity and the day of the Saviour's sufferings shall be days on which no landlord shall evict. I think I need pass no greater or better comment upon the state of things in Ireland in 1847. And it was that famine, and it was that cruel suffering that fell upon the people that led to the establishment of bodies which took in hand from time to time this land question, and have been ever since struggling for it. What is this Land League but the

successor of the Tenant League established in 1852. From that time forth it has been going on fighting this land question, fighting it inch by inch with a class who were determined to prevent its progress, a class who are at the bottom of the prosecution which I am now counsel in. Gentlemen, there are some acts of that time, of that dreadful time, which have become historical. I shall mention no names of any people unless names which have become part of the history of the country by their names being alluded to in printed Parliamentary papers before the House of Commons, and where the Parliamentary blue books of that House speak forth the testimony of the terrible times through which the people passed. In one Blue Book so late—one much later than that famine—so late as 1861 we find there was one man who turned out of a district 244 human beings—turned them out in two nights. This is one of the names, and the reason I mention his name is this—that his name appears in one of those meetings which my learned friend read from the *Nation*, and it was said that we, or some of us, were exciting hostility between John George Adair and his tenants. But, gentlemen, need any man excite hostility between John George Adair and his tenants when upon the table of the House of Commons is laid the shocking testimony that that man in 1861 evicted 244 human beings, notwithstanding the remonstrances of the Government to him, who begged him to pause before such a terrible step was taken; but no, he pursued the fell work, for fell work it was. And in the Parliamentary paper we have the simple words of the sub-inspector who accompanied the procession, and who tells us that he was present, and that the conduct of the evicted people was admirable; but that three-fourths of them must go into the workhouse, and that the rest must emigrate. And we know that the terrible procession of 200 policemen, with two sub-inspectors, to evict these people was accompanied by three ministers of religion—a Protestant, a Presbyterian, and a Catholic—to give religious consolation to the evicted poor. Gentlemen, there is one other scene that also appears in the Parliamentary history of a period, I believe, later still. It is a scene told in the House of Commons of a revered prelate of the Roman Catholic Church, Dr. Nulty, who is in this Court to-day, and who will be here to give evidence in this case on behalf of those gentlemen who are here prosecuted, and he tells us that in his diocese he once was present when 700 human beings were cast in one day upon the road, that in the course of the work the people paused—the sheriff and his men—because they came upon two fever-stricken houses, and they were merciful to them. Though leaving them within the walls, they carefully removed the roof and they covered the people with a winnowing sheet—the dying and the dead lay under one winnowing sheet,—and there Dr. Nulty, the bishop, administered the sacraments of the Church to the dying lying under the winnowing sheet, with no other covering between them and Heaven. Gentlemen, such stories as that rankle in the mind. That occurred in the county in which I was born. It rankles in the mind still. It is handed down from father to son. It is remembered by the emigrant in a foreign land; it is remembered in their action when they send money to this country to keep the poor here and let them have a grip of their homesteads, and to avert exile; for what is emigration but exile after all; and the emigrant who loves this country under such circumstances, and turns back his eye on the home that he has left, turns back in his memory to those scenes again and sends money to those at home to relieve them. Is there anyone so charitable as the Irish American, who sent it all from love of country. Gentle-

men, those whom I am counsel for, did they stir up ill-will between those descendants of these people in Westmeath who were so evicted? Did they stir up ill-will between any of those who are left in Donegal by that work—was it necessary or could it be? No, my learned friend tells us there were two Gospels—that there was a new Gospel and an old Gospel. The things I am telling you of were done in the period of the old Gospel of good-will, peace and charity to all men. Gentlemen, these were the things that were remembered by these gentlemen who are here prosecuted in this case for a crime when they were about to take up the land work in 1879. Gentlemen, it is true that before that came there was a remedial measure passed, passed, that is in an emasculated state. A remedial measure was brought in as we know by the great statesman, the good statesman, who presides over these countries—the Prime Minister—a man who has done more for this country than any other man who ever filled the same position—a man whose words, whose burning words in the House of Commons on this subject of evictions, perhaps you will yet hear again. He has ever borne Ireland's sufferings at heart, and has done so much to remedy those evils. We know that in 1870 he brought in a measure large then, much larger than when it was passed, because it was mutilated in that branch of the Legislature where all those measures are mutilated—in the House of Lords. Let me read for you a few words from the lips of that man—that great man—when he brought in this Bill and laid it upon the table of the House of Commons:—"It is said that the system of land tenure is the same in Ireland as it is in England, and that if it does not produce the same effects in both countries that must be owing to the fault of the Irish people. It is true that the naked abstract law of the occupation of land in Ireland, as founded upon contract and not upon tenure, may be the same as in England. In both countries the occupation of the land, as a rule, is founded upon the relation of two persons, one of whom has something that is given him by a written or an unwritten agreement, and the other has all the rest. It may be quite true that that is the law of both countries, but it is only the mere skeletons of the laws of the two countries that bear any resemblance to each other. The flesh and the blood with which the figures are invested are wholly different; all the circumstances all the associations, and all the decretions that have grown around the naked ideas are different in the one country from what they are in the other. We cannot name a point in which the relation of landlord and tenant in Ireland and in Great Britain are the same, except only in what may be called the abstract and general idea. Down to a late period Ireland has been full of the recollections and the marks of conquest, while in England nothing of the kind has existed for long ages past." Mr. Gladstone spoke again on the same subject:—"For one hundred years Ireland has been engaged in almost a continuous conflict with the governing power—I will not say of the nation, but with the governing power of this island. She has engaged in that conflict with all the disadvantages of a limited population, of inferior resources, of backward political development, and yet she has been uniformly successful. Strength and weakness have grappled together in almost incessant conflict, and on every occasion in a succession of falls, strength has been laid prostrate on the ground, and weakness has waved the banner of victory over it. And why was that? . . . I cannot recite the Welsh, but the English was this: 'A nation is stronger than a lord.' I, sir, admit it—I admit more—a nation is stronger than a Parliament; but though I have no Welsh in which to clothe my sayings, I will add

yet another saying—there is something else stronger than a nation, and that something is justice." Those are the noble words of the Prime Minister, who brought in that Bill in 1870.

These were noble words of the Prime Minister of England, who brought in that Bill in 1870. Was the Bill met with generosity by the landlord class? I remember one eminent man who told us in the House of Commons—who said in the House of Commons—that the Act of 1870 was pure Communism; and he filled a high office in Ireland. Gentlemen, by common consent, according to the statement of my friend, the Attorney-General, that Act has proved ineffectual and abortive. How is that proved? In each year since it passed attempts have been made by some one or other in the House of Commons to remedy the defects, to clear away the defects of that Act, and every one of them has been frustrated by strong landlord influence either in the House of Commons or in the House of Lords. To frame a Land Act which would be effective and satisfactory there are two or three objects which a statesman should have in view—to prevent eviction, and to prevent crime. Has the Land Act of 1870 proved effective in that? Is it not open to the landlords when famine comes again, and when a favourable opportunity occurs again, to be led by cupidity to clear out his tenants? This Act afforded no protection, and as famine grew, so more evictions followed. What do we find? That the ejectments in 1876 amounted to 1,269; in 1877, to 1,323; in 1878, to 1,749; and in 1879, when famine was impending, to 2,667; and in the first half of the year 1880, when tenants were not recovering from the famine, but, perhaps, in the midst of it, we find in the first half of that year, 2,110 families, equal to 10,657 persons, were evicted. These are the figures beyond all doubt these are the statistics, of the country relied on by eminent men in the debates on the Disturbance Bill. Of these 2,110 a certain portion were re-admitted as caretakers. What does that mean? That they were re-admitted into possession at a rent of one shilling per week, but deprived of the benefit of their tenancy, deprived of the benefit of the Land Act, and their improvements and everything else became the property of the landlord. Placed in that position they could be turned out at any moment by summary procedure in the Petty Sessions Court. In this way the landlord could readmit as many as possible as caretakers, because when he wished he could exercise over them in that position arbitrary dominion, and therefore he deserved no credit for their re-admission as caretakers, and therefore I say the startling fact remains that as famine grew evictions also grew. And is it surprising that as evictions grew crime also increased? Gentlemen, that there was in this country in 1879 direst distress is part of the history of the country. My learned friend has read for you the language of the Attorney-General himself in the House of Commons, proving and demonstrating that fact. We know it is part of the history of the country that sixteen prelates of the Roman Catholic Church, that four prelates of the Roman Catholic Church, including two Archbishops, waited on the Lord Lieutenant of this country and called his attention to the extent of the distress, and told him that if it continued, and Government would not help the suffering people, they (the prelates) could not guarantee anything as to the excesses that might be committed in the country. There was nothing done. We have it on the records of the House of Commons that it ridiculed and scorned the idea of distress. Who averted it? We have letters of Bishops, letters of Archbishops, and letters of Priests bearing testimony to the state of the country. These letters were addressed to the Land League who had put their

hands to the work, and Mr. Parnell, in December, left his country to beg in a foreign land for the starving people at home. He was the means—aye, and he was the means for others who followed in his steps—of having £380,000 distributed amongst the people of Ireland, saving many of them from death. That was the state of the distress in Ireland in 1879. The figures are familiar to us all. With this experience, what was the object of the Land League in 1879? I say, the object of it was to check crime and check agrarian outrage. What has produced in this country agrarian outrage? Three things. In the first place ejectments, then notices to quit, and, finally, evictions. Why, the very words agrarian outrage imply connection with land. Ejectments, notices to quit, and evictions,—these are the fertile causes of agrarian crime. That being so, let me ask you, which is the greater philanthropist—the man who destroys a cause or its effect, the man who makes crime impossible, or applies coercion to it as the effect of a certain cause? As long as the cause exists, and the rankling cause is there you will never stop agrarian crime. Human nature is weak, and it will ever be so. Every professing Christian bears testimony to his weakness when he asks each morning to be delivered from temptation. No one can doubt that these evictions have been the fertile cause of crime, and that they have led numbers of weak men to forget the Divine motto—"Vengeance is mine." It was in that spirit—to save the country from suffering, to save it from eviction, to save it from crime, and to save it from outrage—that the Land League approached their work in the year 1879. Gentlemen, it will be essential that I should establish before you, as I shall, the legality of the object of the Land League. There were two periods in the history of the country which they had to regard, and which you must regard now. The first period was from October, 1879, till the end of the session of 1880, and then from October, 1880, until Mr. Parnell and the other members of what is called the Irish party returned from Parliament disappointed and foiled by the action of the Legislature. The origin of this Land League is found in the letter of Mr. Parnell, dated 1st October, 1879, which has not yet been read. Some of those early documents relating to the institution of the Land League have not been read, and wisely not read, by my learned friend the Attorney-General. The first institution of the League is referable to Mr. Parnell's letter of the 1st October, 1879, which was issued in the form of a circular, and addressed to members of Parliament and to the people of this country who wished to join the movement. In that letter or circular Mr. Parnell stated—"Some friends have urged upon me the desirability of forming a committee for the purpose of appealing to our friends abroad, and especially in America, for aid in forming a new land agitation in favour of the ownership of the soil by the occupier; and also for the purpose of upholding the tenants during this terrible crisis by the promotion of organization. I enclose you a copy of the appeal which we have drawn up, and trust that you will permit yourself to be added to this committee and allow your name to be appended to the appeal." That was the letter which led to the first meeting of the Land League, on the 21st October, 1879. And surely, gentlemen, as I have pointed out to you, the position of Ireland at that time was one that called for action on the part of charitable men—one that called for action on the part of every man that loved his country. When famine in the cycle of time had come round again, hundreds of thousands of tenants, according to the statement of the Attorney-General, had the lands at such terms that, no doubt, if the sun had been bright enough and heaven kind, they might just pay their obligations, pay their rent, and live; but let there be too

little sunshine and too much rain, then all these people that were always poor were turned into a famine-stricken population. The landlord could always prevent by law the crop leaving the land until his rent was paid: it was a power granted to him by the land laws of the country, and, therefore, they had to deal with the problem of impending famine, certain eviction, much depression, and certain crime. Let us now see what steps were taken in pursuance of Mr. Parnell's letter and appeal to meet that state of things. The objects were, I submit to your reason and judgment, humane and just. The objects were to make such a state of things impossible by removing the cause of crime. The object was to remove crime as the result of evictions. Now, gentlemen, let us see whether that object, having regard to the period of famine, has not had the approbation of the men who are at the head of the Government directing these prosecutions. Let me tell you what Mr. Forster said in the House of Commons himself, when the Compensation for Disturbance Bill was under discussion. He said—"Now I want to ask the House to consider who are the small tenants with whom we have to deal. First—they are men unable to pay the rent, or else the Court would not consider the claim; secondly, it is the circumstance of the time—the distress of the year and the failure of the harvest—that have made them thus unable; thirdly, they are willing to pay the rent if the landlord would give them reasonable terms in reduction or time; and, lastly, the landlord will not give them these reasonable terms. It is only under all these conditions that the tenants can get compensation from the Court. They are—or a very large majority of them are—attached to their holdings—it may be what we call a sentimental attachment. Considering the misery that they and their families have lived in for centuries, it is only surprising that they should be so attached; but these are sentiments with which we cannot reason, and this is a sentiment much akin to patriotism, without which very few countries would be what they are. Remember, too, that these are men whose interest in their holdings has been acknowledged by the Land Act—whether by what is called its 'noxious features' I do not know, but by this Act—passed by an enormous majority in this House, and I believe unanimously in the House of Lords. Remember, also, in the vast majority of cases these small tenants have no other means of living than their holdings. I will read a letter I have received to-day from a friend who worked with me in the Famine of 1847 (Mr. Tuke), who went to Donegal to see the state of things now, as compared with what it then was. He does not find the destitution now equal to the famine in those days; but he does find great distress due to the two or three bad crops that have deprived the people of their sustenance. He says:—'It is extremely difficult for an Englishman to realize the intensity of feeling which exists on the land question in Ireland; and in looking for some of the causes which have led to this, we shall find that it is due to a large extent to the overwhelming proportion of the population which is engaged in agriculture. To nine tenths of the population of Connaught the possession of a bit of land is the sole means of existence. Of manufacture there is none, and the majority of the farms being too small to need hired labour, of agricultural labour there is scarcely any. Take away from the tenant his little holding, and nothing is left to him but the workhouse. Except in some of the towns there is not even an unoccupied house which a man could hire if he obtained work apart from his holding. Hence the tenacity with which the holding is retained and defended. They are like shipwrecked sailors on a plank in the ocean; de-

prive them of the few inches by which they 'hold on,' and you deprive them of life. Deprive an Irishman of the few feet of land by which he 'holds on,' and you deprive him of all that makes life possible. For the workhouse, distasteful enough to an English labourer, is simply unendurable to an Irish peasant. That this is no mere sentiment is often impressed upon the visitor who enters the cabins of the people, where it is so common to find some infirm or aged person dependent on the kindness of the family for the miserable subsistence he obtains, and who in England would, without doubt, have been sent to the workhouse long before. Who would wish to lessen this kindly feeling, or break down the almost unsurmountable repugnance to the workhouse?" We have heard a great deal of contracts in this case. My learned friend, the Attorney-General, has told you of the sacredness of contract. Well, most men, I think, are inclined to observe their obligations, but he appealed to you because you are a jury of merchants, and he thought your minds would be open to an impression on the question of contract. Of course it is a sacred thing, but let us see what Mr. Forster himself says upon the point. Speaking again on the Compensation for Disturbance Bill, he said:—"We find in the distressed districts farmers crowded together in barren mountain farms, unable to live off their farms except in the workhouse, and hardly able to live on them even in good times, with no other means of living in their homes in Ireland, and no means of going elsewhere. Well, many of these men in these bad years, and especially in this bad year, are unable to pay their rent by reason of the bad harvest. I know it has been stated that they are unable to pay their rent, and it is merely the agitators will not let them, and that it may be so in one or two cases, I can believe; but I do not imagine any hon. member will deny that in the vast majority of cases the non-payment of rent arises from inability to pay, and that inability arises from the bad harvests. This, it is said, means that they are unable to fulfil their contracts, and then political economists—some of the old school, but not all—a great many political economists, who have become such for this measure, who very rarely, if ever, heard of as such before—cry, as with one voice, 'Contracts are sacred, and above all this contract to pay rent.' And then comes the maxim—*Fiat justitia, ruat cœlum*, which, I suppose, in this particular instance may be interpreted—'Let the rent be paid though the heavens fall; let these contracts be fulfilled or let the law take its course.' Consider what that means. It means, one thing, at any rate—that we, who administer the law, are not to leave the law to itself, but are to back it with all the force we have at our disposal. I do not deny that that ought to be the meaning; law must be enforced and carried out, or society is utterly disorganized; but then we must consider what is this law that is to be enforced. It means that the present law of ejectment shall be enforced this year in those districts at all risks, under all circumstances, and regardless of any consequences. Now ought this to be done? That is the sole question for us to consider." That being the state of Ireland at the time, Mr. Parnell wrote the letter I have referred to. Was there anything wrong in what he did? That letter invited those who thought fit to attend the meeting which was held on the 21st October, in Middle Abbey-street, and there were formed and drawn up what we may call the rules of the Land League, and the resolutions which defined its objects. And here they are. The first resolution stated—"That an association be hereby formed, to be named the Irish National Land League." The next was—"That the objects of the League are—first, to bring about a reduction of rack-rents; and,

second, to facilitate the obtaining of the ownership of the soil by the occupier." Is there anything wrong in that? To bring about a reduction of rack-rents, and to facilitate the transfer of the land to the occupier by fair and just means. The third resolution was—"That the objects of the Land League shall be best attained (that is the objects before stated), by promoting an organization amongst tenant-farmers, by defending those who may be threatened with eviction for refusing to pay unjust rents, by facilitating the working of the Bright Clauses of the Land Act during the winter, and by obtaining such reform in the laws relating to land as will enable every tenant to become the owner of his holding by paying a fair rent for a limited number of years. These are the objects of the Land League—that is their constitution—that is their charter. Is there any word in that that any humane or just man could take exception to? There was one other resolution passed. Nobody will find fault with it. It was resolved —"That the president of this League, Mr. Parnell, be requested to proceed to America for the purpose of obtaining assistance from our exiled countrymen and other sympathisers, for the object for which this appeal has been issued." Nobody would find fault, I think, with that. Following that came the appeal which my learned friend read yesterday—it was an appeal to the Irish race and to the Irish farmers—or rather there was an appeal to the Irish race, and also an appeal to the Irish tenant farmers. We were told by the Attorney-General that this was not a tenant farmers' movement, that it was a Communistic movement. There was an appeal to tenant farmers in which it was stated that the present land system had prevented the material progress and development of the national character which would have resulted from the independence of the tenantry of the country, that notices to quit and rack-rents were the instruments of the present system, and that the remedy demanded was the transfer of the ownership of the land to the occupiers, not by confiscation, but by the payment of fair compensation. What was that? It was said by the Attorney-General that we never had the object of the League—the getting of redress in Parliament. That is one of the primary objects of the resolution—reform of the Land Laws in Parliament. You will find that is the scheme of Mr. Parnell, that it was to be a remedy in Parliament. And the appeal winds up with an expression which everyone must commend, by stating that it would be expected that there would be strong and influential opposition to any agitation for these good and just things. And surely strong and influential opposition there was, and in that opposition I may include this prosecution. The opposition by the landlords was strong and influential undoubtedly. They fought inch by inch, and year by year, the question of land reform in the House of Commons and in the Lords, and never stopped it until the voice of the country was strong and men clamoured as it were to the foot of the throne. This appeal closes with these words—"We resolve to retain a firm grip of our Irish homesteads," and in conjunction with that there is an address to emigrants. The Attorney-General relied on these words, "A firm grip on your homesteads;" but in that document, which is the basis and shows the constitution of the Land League, there is an address to emigrants, saying—"Don't emigrate; you would be exiles then, retain a grip of your homesteads." Then we have set out at the end what I have submitted to you as the resolution for the settlement of agrarian strife of the country and the supreme good of the people, that a system of peasant proprietary should be established, and that scheme is found to be supported by good and just men—legislators, members of the Government, and others.

My learned friend, himself, commended it as a worthy subject to be set before you for your consideration. Let me tell you what has been said of it by the members of the Government. "There is a great fact," said Mr. Bright, "500,000 families, being at least from two and a half to three millions of persons, dependent upon the soil, competing with each other for the possession of a farm, having no variety of occupation as there is in England, having but one way, and that only—the way out of the country—to escape from the difficulties in which they find themselves. These 500,000 tenants are being, as they allege, for the most part in a condition of continual insecurity. The rent may be raised half a crown an acre this year and another half a crown next. If the farm passes from the father to the son, or from the widow to the son, or from a farmer to his brother, or to another farmer of a new family, there is an occasion where it is easy to propose some addition to the rent. The addition may not be so large as to shock the farmer and to drive him to cease from any attempt to enter upon the farm. By little and little rent is added. The irritation of the tenant becomes greater and greater. He sees the end to which he is being driven. He cannot live upon the farm, and he must give it up, and he must find himself homeless in his own country, and thus there has grown up in Ireland—and, of course, the worst in the poorest districts—an irritation and a discontent which is the notorious and the universal material on which social or political insurrections are generally based. Now, we must not forget that in Ireland, men who hold the land hold the homes and lives of the people." That is something like the speeches which have been given in evidence and commented on, to prove to you that an illegal and wicked conspiracy existed between these fourteen gentlemen, the traversers. Here is a member of the Government, a man of vast mind, telling you what I have just read. But he goes on—"What they want is this—to insure, in some way, by some mode, that where a man has his house over his head—built it himself probably, or some preceding member of his family may have built it—and his little farm around him, he should not incessantly be taught that he may any day have notice to quit, and be turned out of his farm and home, and that the rent should not be constantly added to until even going out of his farm is a less evil than remaining in it. He wants some security from the constant torture and menace which he feels hanging over him, and he wants also that there should be some broad and generous and complete system established by the Government by which land-owners who are willing to sell, of which there must be many now (laughter)—that where landlords are willing to sell, and there are many at all times, and where tenants are able and willing to buy, then through the instrumentality of this Government Commission, you may gradually, year by year, add to the number of the proprietary farmers in Ireland." Gentlemen, that is the language of Mr. Bright spoken the day before this prosecution was instituted. It is language which I find in the speech of my learned friend the Attorney-General, he did not read. Gentlemen, there is a protest then against emigration, and an appeal to the people not to emigrate, but to stay in their homes. Mr. Parnell was in America. It appears some of his family resided there. One document was read against him, written by a member of his family. It was taken from the *Nation* newspaper, and was signed "Fanny Parnell." In that document, in spirited and impassioned language, the lady told the people of the evils of emigration. She, who had seen the sad fate of many an exile, appealed to the people to stay in their homes, and desperate must have been the necessities of the case

when the spirited and sympathetic lines of the sister appealing to the people to stay at home were used in a prosecution against the brother! Gentlemen, what was said by Mr. Gladstone himself on this question of emigration?—"Then there is another remedy, emigration, which landlords have, in many instances, been sedulous to promote. Emigration, sir, when it is voluntary and free, is the process which the Almighty has ordained for covering and cultivating the waste places of the earth. But that is when the emigrant is one whose wish it is to go. When, on the other hand, he is one whose wish it is to stay, who is truly, strongly, passionately attached—and no people ever were more passionately attached to the soil on which they were born, and on which they have grown, than the Irish—then to say—'We cannot insure to you the possession of your holding—we cannot even give you a reasonable probability that you will be able to exercise your industry with confidence; but there is the way, across the Atlantic, and there are the wide plains of America open to receive you.' Do not let us conceal from ourselves that, under such circumstances, emigration is another word for banishment, and that the country whose laws inflict that punishment, and cause that banishment, cannot expect, and does not deserve, the affection of the people." That is the language of Mr. Gladstone on the subject of emigration, a subject on which Mr. Parnell warned them to remain at home, and keep a firm grip of their homesteads. That was the scheme of these men, to keep the people at home, and their resolutions were framed on it. What is the next document in the case? You have been told a great deal about the sacredness of contract. Oh, says the Attorney-General, the people are to pay nothing according to the new doctrine. Supposing, gentlemen, that one man in a town had alone the right of contracting to sell bread, and if a man who was starving with his family went into that town, the baker, who had the exclusive right to sell the bread, might offer him a loaf at half a crown for his starving children. Would you say that was a free contract? You have Mr. Gladstone's statement on such contracts as that. It is not any statement of mine, but Mr. Gladstone's, on the sacredness of contract between landlord and tenant in Ireland. Contracts in Ireland are not free between landlords and tenants; the tenants must accept the contract or not. Mr. Gladstone says:—"But much stronger is the case for Ireland, because in substance these contracts, though nominally free, have not been really free under the peculiar conditions of life which that country offers. Even where the law has left the Irishman free, his circumstances have deprived him of freedom, and it has thus become our duty and our necessity to interpose, within limits cautiously and strictly guarded, for the purpose of repressing that evil. In an agricultural country where the population has been such as to cause a demand for land always in excess of the supply, and where the excess of this demand has recently been met and aggravated by the tendency to carry land in large quantities out of tillage into pasture, and thereby to diminish agricultural holdings and employment; and, again, by a desire to consolidate farms, and thereby once more to narrow the means of supplying the demand for land; lastly, in a country which is almost exclusively agricultural, and does not offer to the adult Irishman that choice of professions and occupations which he can easily find in a land where mining and manufacturing industry prevails, there history has but too well supported the proposition that the freedom of contract which the Irish peasant possesses is but a nominal freedom." That is the language of Mr. Gladstone. That is what the traversers were agitating, and they told the tenants it was right if they could accom-

plish it by constitutional and just means. That is what they intended by their speeches—to bring about an alteration of the law in reference to these contracts between landlord and tenant which were never free, and which the head of the Government, Mr. Gladstone, told you was never free. Is there anything wrong in that? Gentlemen, the next document that was referred to by my learned friend the Attorney-General is the rules of the Land League. The first seven rules have nothing to do with the case, but I will read the 8th, 9th, 10th, 11th, and 12th.

Mr. Justice FITZGERALD.—What rules are these?

Mr. *Walker*.—The rules which were given to the policeman, Mallon, whatever his name is.

Mr. *C. Molloy*.—Sheridan was his name.

Mr. *Walker*.—At all events they were given to a policeman by Mr. Brennan, one of the members of the Land League. I have those rules before me, and one was, "That no person shall take a farm from which another was evicted for non-payment of an unjust rent." Was there anything illegal in that? The rules were for the guidance of the League branches, and one rule was to the effect that any person violating the rules should be expelled the branch. Was there anything illegal in that? The twelfth rule stated, "No man taking a farm from which another has been evicted for non-payment of unjust rent should be allowed to become a member of any branch of the Land League." Again, "No man assisting to serve processes of ejectment, or taking part in an eviction, or purchasing stock or product seized for non-payment of a rack-rent, to be allowed the membership of any branch or association. Any member of a branch proved guilty of any of the foregoing acts to be at once expelled, and denounced for his action." That struck at men who were members of branches. The rules have reference to rack-rents, excessive rents, and unjust rents; that is, of course, as I understand rack-rent, to be an excessive rent, a rent which no man could pay. That is what we lawyers understand by rack-rent. The eighteenth rule says, "The managing committee should undertake the organizing of public meetings in connection with the National Land movement within the district or districts forming the Branch of the League to which they belong." Nothing illegal in that, that I am aware of. Their rules were pointed against rack-rents, evictions for unjust or impossible rents. These are the rules for the branches. But my learned friend fastened then on a card which was issued to the members of the branches, and on this he founded the main portion of his argument, as I understood it, that there was illegality in its object. He first took exception to the colour of the card being green. I do not think there is much in that point. It then says "Ireland for the Irish, down with landlordism." Now what is meant by landlordism? It is the system; that is the condition of the system. We contend they had a right to show the legality of an object striking against landlordism—striking against the system of landlordism in Ireland, but not at individual landlords. What is landlordism but the land law that is struck at, and we do contend under these words we shall be able to show the condition of the system, and therefore to show the legality of the object they were promoting, and negative any seditious or illegal object on the part of these gentlemen. "Keep a firm grip on your holdings, the land for the people." I have already spoken on that. You will not say it means keep them by just or unjust means? It means this—don't emigrate; the evils of emigration are known; remain the tenant-farmers of Ireland; the land for the people; keep a firm grip on your homesteads; remain in

the country ; the land for the people. That was taken exception to by the Attorney-General, who says it means plain Communism ; that it means the right of the whole of the people of Ireland, labourers and every one, to the land. Gentlemen, it was the land for the tenant-farmers to whom the appeal was addressed, whom they sought to keep in their homes, and convert by legal and constitutional means into a peasant proprietary. It is idle to argue on that—that there is any illegality. On the reverse of the card we have the objects of the Land League. And what are the objects of the Land League? First, to put an end to rack-rents, evictions, and landlord oppression. Anything wrong in that? No one would say there was ; indeed the Attorney-General did not suggest it. The object was to effect a radical change in the land system in Ireland—to let every Irish farmer on fair terms become the owner of the land he tills. Now we have the objects. Are they legal or not? This document to which I have been referring is important, because it tells you the object and suggests the means. The law of conspiracy as interpreted is that a conspiracy may be proved by showing that the object was illegal. But here we have both the object and the means stated on the face of the card. The means are organization amongst the people and tenant-farmers for the purpose of relief; defence by ventilating the absolute necessity of refusing to take any farm from which another was evicted for non-payment of an impossible rent—that is a rent which no man can pay ; the cultivation of public opinion by persistent exposure of the monstrous injustice of the present system and its hideous result, a result which brought the Irish people to starvation; a demand for the adjustment of excessive rents, a temperate but firm resistence to injustice and oppression. I appeal to the documents regarding the constitution of the Land League as showing that the object was legal and that the means were just. Gentlemen, we are dealing here with the two law officers of the Crown, the Attorney-General and the Solicitor-General, honourable, humane, men, and what do they say on this subject. I have before me three or four lines of an able speech delivered by the Solicitor-General in the House of Commons, on this very question. "Honourable gentlemen," said the Solicitor-General, "who were so generous to their own tenantry, were, at this moment, doing what the Bill would force those in whom justice and generosity had no place, also to do. Was it to be that the bone and sinew of the country were to have no consideration after their recent bitter famine experience? Stung with despair, they might be driven to emigrate to foreign lands. Would the House send them away with a feeling ranklingin their hearts that the farms where they were born—where, perhaps, they had closed their parents' eyes in death—were not to be protected, and that they could not obtain the smallest consideration at the hands of the House of Commons of a United Kingdom—would they not rather take from the hand of the agitator one of his most fatal weapons, and, at all events show the people that that great assembly was not afraid to be just?" My learned friend, the Attorney-General, told us of men acquiring their rights by purchase in the Landed Estates Court, and pointed out the hardship of men so purchasing being injured by this agitation, and their rents reduced. I, gentlemen, am speaking mere plain language, but what do I find the Attorney-General speaking in the House of Commons. He says—"Did it not seem inconsistent that the landlords, to whom the Government had lent £1,250,000 to keep their poor tenants alive, should take advantage of this season of distress and famine to clear farms and consolidate them? He ventured to think that landlords who promoted their interests in that fashion would find no compassion in that

House. Proprietors, who had by purchase or inheritance acquired properties in what they regarded as an excessively subdivided or over-populated condition, should be content to take the burden with the benefit." Now, I have referred to the documents which show the constitution of this Land League, and I ask what just or reasonable man can find fault with them. The Attorney-General said it was desirable an end should be put to landlord oppression. But for the purposes of this prosecution he says rack-rents mentioned in the card of the Land League is not to be interpreted as excessive, unjust, or impossible rents, but that it is to be interpreted as meaning any rent which a man cannot pay. It was not a lawyer who framed this card. He put it in plain language. Then, as I stated we have the means proposed, which are plainly legal and just. It was said, however, that all this was fictitious, that it was never intended by Mr. Parnell there should be any Parliamentary action at all, that it was all a sham, and that it was never meant to apply to Parliament for any reform; that it was all got up by this Land League, and that it was never intended to apply constitutionally to Parliament for redress. It is perfectly true that in the autumn of '80, when the Disturbance Bill was rejected, when it was found the Legislature would do nothing, it was perfectly true men then arrived at the conclusion that nothing was to be expected from Parliament. Mr. Gladstone then argued thus in the House of Commons as the result of the Disturbance Bill; he tells with the prescience of a prophet what would occur. "If this Bill should not pass and should it fail after the sincere, and, at the same time, very positive statements and declarations of honourable gentlemen opposite, I do not say gentlemen connected with that side of the House exclusively—those declarations will constitute a formidable fact in the Government of Ireland, because the people of Ireland will have been told by a great party in this country, by individuals worthy of all respect, that this was a Bill which was to have conferred upon the occupier of the soil privileges and gifts of enormous magnitude, disappointment in their hopes of receiving which they will ascribe to the acts of the Legislature. Sir, that is a very grave state of facts, which I trust honourable members of this House will lay to heart." He spoke in the language of a prophet. He knew, if this wretched bill which was to suspend the power of the landlords for two short years and leave the people in their homes, if that small benefit to the Irish people was rejected by the landlords in the House of Lords, he tells, with the language of a prophet and the foresight of a statesman, what must be the result on the country? It is a calumny to say the documents I have read to you as showing the constitution of the Land League are other than the programme of Parliamentary reform which Mr. Parnell drew on the 29th April, 1880. What is that? It is called the Programme of Parliamentary Land Reform agreed to by the Land Conference on Thursday, 29th April, '80. What is it? It refers first to the Land Act of 1870. Yet we are told that this was not an honest agitation, that it was fictitious. This document speaks powerfully on that argument of the Attorney-General. "In 1870 (it says) Parliament considered it expedient to amend the law relating to the ownership of land in Ireland, and passed the Land Act. In view of the desperate condition of the country, the Disturbance Bill was introduced, suspending evictions in Ireland for two years. That was the proposal of Mr. Parnell, in part was adopted by the Government. It was brought in first by Mr. O'Connor Power, then by Mr. Gladstone, who gave to it the weight of his position. Mr. Parnell was proposing then to go to Parliament for a

permanent reform of land tenure in Ireland, for an establishment of a peasant proprietary, as the only settlement of the question which would be accepted as final by the country. There may be fault found with some of these propositions, but I am answering the argument of the Attorney-General when he said there was no intention to appeal to Parliament for redress. Six months after, on the eve of the meeting of Parliament, this is the constitution of the Land League, showing portion of its scheme was to go to Parliament and ask for redress. One portion of that scheme was adopted. It remains to be seen what will be done by Government, or how far they will go in the direction of a peasant proprietary, which the Attorney-General said would be a good thing for any man to agitate for. I have shown you beyond all doubt the Land League was legal in its object, just and humane in its object, and one of those objects was to agitate for Parliamentary reform in a proper and right direction, having the sanction and adoption of the head of the Government. What follows? See what occurred to the Disturbance Bill. What is the preamble to the Bill brought in by Government—"Whereas, having regard to the distress in certain parts of Ireland, arising from failure of crops, it is expedient to make provision"—and then it goes on to make provision to stay evictions for a period of two years. Gentlemen, that was not a very large measure. One would think, having regard to the circumstances of the country it was a very small measure, and it was a pity to see the whole landlord class arrayed against it; that men attended who had not been in the House of Lords for years; that men were carried into it, and that landlords flocked together to that house, men whose faces were strange in it—one had not been there for thirty-eight years—to vote against that act of justice to Ireland which Mr. Parnell asked for; and they even forgot the ties of party in order to defeat it. What was said in the House of Commons by the Attorney-General when that Act passed. He told us of the number of evictions that had taken place. I will not go over that because my learned friend yesterday read them; but the Attorney-General gave to the House the number of evictions that had taken place, and proved to the mind of any reasonable person that there was great cause for dissatisfaction, and that the evictions would go on contemporaneously with famine. What did Mr. Gladstone himself say on the same subject—"I go back," he says, "to the year 1879. I must judge from that year, for during the previous year I have no fact with regard to them. In 1879 I find that of the number of caretakers in the different holdings thirty-six per cent. were summarily evicted. I must add, this thirty-six per cent. of caretakers is quite as effectually, though indirectly, evicted. The number of families evicted is thus brought up to 970, and taking five as the proportion of persons to each family we get 4,947, or in round numbers 5,000 persons. Is it true that these statistics are frivolous, or that they have been torn to ribbons, as has been said, with an air of satisfaction and triumph." Who will say that this is not a serious state of things. In our judgment it is a serious state of things, and it is a state of things that has been growing more and more serious from week to week, and from month to month, and that is the statement of Mr. Gladstone himself, when this Bill was in progress, when it was loudly called for by the evictions that had taken place, with a certainty they were certain to receive. Well, as I have told you, the Government were foiled; the Bill was thrown out as you know, and if it had not been so thrown out we never would have been engaged in this transaction, talking of a conspiracy to create ill-will between landlord and tenant. Do not the Irish

tenants read, and do not they know what was done with this Bill? Do not they know that some noblemen, whose faces from long absence were unfamiliar in the House of Lords, had gone to that House to give opposition to the Disturbance Bill. Were the Irish tenants so thickwitted that they did not know all the opposition it would receive in the House of Lords? Yes, they did; and it is the teaching of years that had created the hostility between landlords and tenants—not the teachings of the Land League. Well, gentlemen, this is the history of the land question up to the year 1880, and in the summer of that year, in August. Well, now, let us go to the meetings which were so much spoken of. You need not fear that I shall read for you over again the speeches that were delivered. The Crown had picked out passages here and there on the one side, and we have done the same, and it would be light reading for you when you retire to your jury box—one hundred and twenty speeches, at the one hundred and twenty meetings, for you to try if you could find the fair form of justice which the Attorney-General points out to you. But, gentlemen, just a few words upon these meetings. They began on the 3rd of May, and they ended, I think, on the 20th September, 1880. Great stress was laid by the Crown upon the speeches of Mr. Nally. Indeed I do not know what we should have done in this case without Mr. Nally. He was the only person who infused a little life into it. The meetings at which he was present were meetings merely called to protest against an eviction, and he always spoke either before the meeting or after the chairman had left the chair. As I said before, it would be very hard to keep Mr. Nally from the meetings. Mr. Nally and Mr. Stringer were the main features, if I were to leave out the nobleman whom Mr. Nally calls "his friend, Churchill." Great stress is laid upon the speeches of Mr. Gordon, who is no member of the Land League at all, but who is, I believe, a boot and shoe maker in Claremorris. His learning is proved by one of his speeches, in which he calls Archbishop Croke "Croker," and in which he calls Communism "Communionism." And yet Mr. Parnell is to be made responsible for these speeches. I forget which of the gentlemen it was told us that James II. executed the beautiful Queen of Scotland. I think it was Mr. Sheridan. These, then, are some of the expressions which are relied upon by the Crown. Mr. Nally does not want a Land League at all, because he has a league of his own; and at one of the meetings, as I remember, he made a speech against the Land League, and said that they should join his league. This league seems to have its local habitation in the public-house where he and Mr. Rorke and Mr. Stringer assemble over a glass of grog. Now, gentlemen, strong speeches are delivered at these meetings, but when you want to work a conspiracy out of these meetings, they are no proof at all of it. What do they prove? They prove, if you believe a policeman to be correct, that certain persons said something. That is no proof of conspiracy; but where you have a number of people going to a meeting, and where the consideration would be, what was the character of the meeting—because that is the only undoubted fact, that a number of men went—then you turn to the fact that at nearly every one of the meetings referred to—at all events five-sixths of them—we are able, whenever we get an opportunity, to prove language of the most constitutional and lawful character—language often addressed by priests and other people of position, members of Parliament and others. That is what gives character to the meetings, the whole meetings. There is not one hardly at which some clergyman of the Roman Catholic Church did not attend for the purpose of securing order by his presence, and not one of these meetings

was disorderly except, indeed, the one at which the tossing of the grass took place. A resolution was moved at one of them by a Protestant clergyman, and so we have had on the platform Protestant clergymen, Presbyterians, and priests, and letter after letter by bishops laid before you. Can a meeting be wholly bad where archbishops and bishops can give them their countenances? It is impossible. We have Mr. Walsh telling a story of Mr. O'Connor's evictions, where he said there were 65 human beings turned out. An old woman of 82 and a child of three weeks were turned out on the roadside. Were the people to shut their mouths and not to speak of it in the light of day? Is it the true doctrine that these things should be spoken of in the dark? No. Tell the Irishman that he is to be evicted, and that the way is to appeal to the opinion of the public, and in the light of day men will tell his case to the British public. That is the way to act. It acts as a safety-valve for their feelings. It is best that public opinion should be appealed to. And it is appealed to by both the landlord class and the tenant-farmers. At the bar of public opinion they stand, let you judge of them here. They will be judged elsewhere by higher authorities. Every one of these meetings were presided over by a clergyman. There was one speech in which the person objected to the speech of another, and the maker of the speech, Mr. Harris, at the next meeting recanted and explained; what he had said was clearly misunderstood about shooting landlords. That observation was at once repudiated by the clergyman. The Attorney-General said that, at the next meeting, he attempted to shuffle out of what he had said, and I do not think that was a fair expression. Mr. Harris recanted and said he was sorry that there should have been any misconstruction of his meaning. Gentlemen, I also am sorry that reference was made to another subject. We have had the name of Lord Mountmorres mentioned. It was a dreadful murder, committed in that county, somewhere about the end of September. My learned friend did not state that that murder was attributed to the Land League. But the covert suggestion was made, "Oh! but for the Land League Lord Mountmorres would be alive at the present moment." It was a dreadful suggestion to make against honourable honest men, but meeting after meeting, after the murder of Lord Mountmorres, was held, and at all of them the murder was held up for condemnation. Do you remember the words of Father Eglington on the 3rd of October. Mr. Cahill said, "Let not a word be spoken in the crowd that would give rise to even the shadow of an assertion that agrarian outrage are the teaching of the Land League." Father Eglington said, "I ask you to condemn the murderer of Lord Mountmorres, any one who commits such a crime put him from amongst you, and it will be the business of the Land League to hold him up and tell his name. The proposition that it is lawful to kill a tyrannical landlord is condemned by the Head of the Church." It would have been fair that the report of the meeting after his death at Clonbur should have been read. At that meeting any connection with the murder was repudiated, and there was an expression of honest indignation.

Mr. Justice FITZGERALD.—Is that meeting in evidence?

Mr. *Walker*.—No, it is not, my lord. The witness proved merely that he took notes of the proceedings at the meeting, and sent the report to the Castle.

Mr. *Porter*.—It did not appear that any of the traversers were there.

Mr. *Walker*.—Over and over at these meetings cases of rack-renting and hardship were mentioned. Is it to be sanctioned by this court of justice that these traversers shall be accused of using language, of

entering into a conspiracy to injure landlords without proving in this case the cruel wrong that has been effected by Mr. O'Connor and other gentlemen who are named specifically? I do not believe it. What is this programme of the Land League which over and over again has been stated at these meetings? We are charged with Communism, we are charged with a desire to deprive the landlords of Ireland of their property. Mr. Biggar is a man, who, as well as Mr. Parnell, has put forward the true scheme of the Land League in his speeches. You remember what Mr. Biggar says upon this subject? "However, I am prepared to argue this reform, as proposed by the Land League, is the best that can be proposed. It is liable to fewer objections than any other system that I have heard proposed, and for that reason I ask the Irish tenant farmers unanimously to go in support of that reform which is recommended by the Land League at the present time. Now, the proposition that the Land League lays down is that the occupier of the soil and the man who cultivates the soil and raises the crops from it should be the owner of that soil (cheers). That, my friends, is a very simple proposition, but the Land League does not lay down the principle that you are to get this land without giving anything in return for it (hear, hear). They say a class of men called landlords, who, of course, we know very well, in the majority of cases, have got the land by fraud and violence: we know the present landlords or the predecessors in title have got the land by fraud and violence, and that they have no just rights; but they have what is called a vested interest; that is, they and their predecessors have been in the habit of levying a tribute from the occupier in a shape called rent; and it is not considered desirable, from the landlord's point of view, that a revolution should take place, or that the land should be taken from them without getting fair and reasonable compensation in return for that which they have been for some time past in possession of. (Interruption). The question arises, on what basis are you going to value the present interest of these landlords? Some people say that you must compensate them on the basis of the rent which they have been charging the tenant in time past. Now, in some cases that would not be so very unfair a proposition, because we know in some cases the landlords are not extortionate. In many cases they are not extortionate and they charge less than the Government valuation; in those cases we do not mean to say that the rent which they now charge would be an unfair basis. This is the morality of the case; and the principle that would be accepted by the Land League agitators for making the Government valuation the nominal basis would be a better one for the landlords than they would get; if they are not wise enough to enter in the compromise with the representatives of the people on such a basis as is proposed; if these men are foolish enough to press the fight to a greater extent than we propose, the result will be they will get a great deal less; because a man who does not accept a fair offer—as it does happen—the bidder draws back, and he gets less than he otherwise would have had (cheers). We, in point of fact, as representatives of the Land League wish to deal with these men on very liberal terms, and I think they are great fools if they do not accept the terms offered by my friend Mr. Parnell, and thus get the land question settled on such a basis. If you take the Government valuation as the basis of a fair value, what is proposed is this: for the Government to buy out the landlord at 18 or 20 years' purchase on this Government valuation, paying him in bonds paying 3 per cent. interest. The landlord would then be certain of payment by the State at a rate of

interest paying 3 per cent. If he did not like the rate of interest, he would be at liberty to sell this Government stock, for which he would get about par, and put it into other security which would promise him better security or a higher rate of interest. In that way the landlord would be settled with on liberal and fair terms. What it is proposed to do is to give the occupying tenant these holdings, he paying 4½ per cent. for a limited number of years on the sum paid by the Government to the landlord; the 3 per cent. would repay the Government for what they had paid to the landlords, and the remaining 1½ per cent. as a sinking fund; so that at the end of a limited number of years the present tenant or successor would become the owner of the land, having paid in full the full value of their holding (cheers). Now I have pointed out what we believe to be a reasonable and fair settlement of this question." Now we say that they put forward a fair and reasonable statement. Do not say that it is Communism. You may say that it is unfair; that you don't agree with it; but don't say that it is Communism. Have not these meetings received the sanction of the highest men of the Church; have you not heard the letter of Archbishop Croke, which was read at one of these meetings, in which he says—"I wish you every success at your meeting." The letter of Dr. Moran, the Bishop of Ossory, says—"I wish every success to the public meeting on the land question which has been convened for to-morrow, under the auspices of your association. The present time is one of grave crisis for our tenant-farmers, and it is most just that, in a peaceable and constitutional way, they should show their determination to defend their interests, to assert their rights, and to redress their grievances. The leading statesmen of the empire have not hesitated to avow that the laws which regulate the tenure of land in this kingdom are unjust. Such injustice must be remedied. Our tenant farmers by their skill and industry, as well as by their labour and occupancy and capital, have acquired rights in their holdings. The rights have been very well called a copartnership, and it is the duty of the Legislation to respect and defend them. The waste lands of this country have yet to be reclaimed. Hundreds of thousands of acres lie waste and abandoned, and only want the co-operation of a benevolent Government to be changed into smiling homesteads. Absentee landlords are the occasion of a great drain on the resources of a kingdom. It is not without precedent that a special tax should be imposed on such absentees, which might well be applied towards reclaiming the waste lands, and otherwise promoting the welfare of our people. Some landlords insert clauses in their leases by which the tenants are compelled to covenant themselves out of the benefits conferred on them by Mr. Gladstone's Land Act. Such clauses may be within the letter of the law, but they are contrary to its spirit, and our Legislature should declare them null and void. In many cases the rents which are required from the tenant are exorbitant and unjust. The protecting mantle of the law should not be extended over such usurious contracts, and any rents which are above a fair Government valuation should not be recoverable in the civil courts. Indeed, it seems to me that legislation on this head should be retrospective, and that the rack-rents exacted from the tenants during the last twenty years should be restored to the tenants or otherwise should be computed as payment by instalments towards the purchase by the tenants of the fee-simple of their holdings. As the meeting will be held under the auspices of the Tenant Farmers' Association, we have the best guarantee that its proceedings will be characterized by concord and common sense.

There never was a period in our history when it was more necessary that the wise motto should be inscribed on our banners. 'He who commits a crime is the worst enemy of his country.' And whilst we leave nothing undone to urge our claim for justice upon the attention of the Legislature, it must never be lost sight of that the surest means for redressing our grievances and for asserting our rights is to avoid everything like injustice, and to continue, as the people of this country have most scrupulously done for the past, to respect the rights of others." What was the letter of Archbishop Croke? Let me read you a portion of it. "It is well, I think, to let the hereditary legislators of England know what we in Ireland think of their lordships' latest manifestations of hostility against us. It is well also, it is fit and proper, that Tipperary should take the initiative in the matter by sounding the first note of defiance and denunciation, and by furthermore declaring the people's resolve to live in the land in which they were born, and to be fed, together with their families, out of the produce of the fields which they, and they alone, have tilled and toiled upon and rendered fruitful. 'The husbandman that labours,' says St. Paul (2 Tim. ii. 6.) 'must first partake of the fruits.' 'No' says the English House of Lords, 'St. Paul was wrong in that and obviously socialistic in his teaching (laughter), for the rent must be paid first however ill it may fare with the husbandman; and as certain dangerous theories to the contrary are being propounded nowadays by irreligious men, we wish by this overwhelming vote to have it made known to them, and to the empire that even for an hour we will not part with any of the chartered privileges of our class, and that consequently our wretched Irish dependents may now, as ever, be mercilessly flung out by us on the roadside, because they cannot possibly manage at one and the same time to pay us our rent and to preserve their families from perishing.' There is beside a grave constitutional question now at stake—that question will, no doubt be dealt with at the proper time, and in the proper place. The great statesman, now happily convalescent, who stands at the head of Her Majesty's Ministers and whose goodwill to Ireland has been abundantly made manifest, will see in due course that the voice of the people's representative shall not be trifled with or set aside." Then we have the letter of the Bishop of Ross, in which he says—"I beg to acknowledge the receipt of your circular, in which you have asked for my approval and encouragement in seeking to effect a reform of the present iniquitous land laws, and thus check the arbitrary power placed at this moment in the hands of the owners of the soil in Ireland." And we have the letter of Dr. Duggan, somewhat to the same effect. My learned friend read a placard triumphantly. It is the only one signed by Mr. Parnell, which bears the names of Mr. Sullivan, Mr. Biggar, Mr. Egan, Mr. Kettle, Mr. Davitt, and Mr. Brennan. I will now read it for you—(counsel reads placard):—

"To the People of Ireland.—Again, as a generation ago, when famine was rampant in the land—again the emigrant ship is offered as a remedy for your ills.

"A race that cannot be conquered must be exterminated, and beasts are preferred to men.

"Why do your enemies, or your miscalled friends, exhort you to leave the land of your birth, the land in which you desire to live and die? Is it because there is no room for you? If Ireland were as thickly populated as the small islands in the British Channel we should have a population as large as that of the United States of America. Is it because you are the victims of periodical famines? True, you are. But

let the man-made causes be removed, and the industry of the people and the fertility of the soil will keep off famine for ever. But as long as landlordism is permitted to cramp your energies, to put penalties on your industry, and make the fruit of your labour its own, so long will hunger, and rags, and misery prevail.

"Emigration for the few, who would freely propose to try their fortune in younger lands, might be no evil; but wholesale and indiscriminate deportation of unwilling and unsuitable emigrants has had as necessary results the frightful immorality of the passenger ship, and the well-recruited slums and jails of the Eastern cities of America. And yet, 'Philanthropic' men—nay, religious men, are found to be enthusiastic advocates of emigration.

"Why cannot these 'Philanthropic' and religious men expend their efforts in trying to settle the people at home? There is only too much room, and the expense would not be greater. True, landlordism proclaims this malignant prohibition, for one of its habitual crimes is the levelling of the homes of the poor. Come, then, we say, benevolent emigrant agents, and help us to root out the cause of the Nation's woes.

"Irishmen, this land is yours. Here, by the very law and fact of your existence you are entitled to live and die. If any arrangement of evil-minded men expels you from the land of your birth, that is not justice; it is a foul attack on the order established by Providence.

"The so-called rights of property must yield to the far higher rights of humanity. It must become as easy for a man to live in Ireland as in any other civilized Christian land. Join together for mutual defence. Beware of the suicidal competition for land on which landlordism so conveniently throws the blame of its own unmeasured wickedness. Beware of 'philanthropic' emigration agents who are doing the work of the English Government. 'Keep a firm grip of your homesteads.'"

Now, what is there in that placard to prove anything against the traversers? It is put in by the Crown as one of the prominent documents against them—as one of the placards taken down by the members of the Constabulary. We have these meetings mixed up in their date by the Crown, and not at all independent—over, I think, 120, or something of that kind. And what do they rely upon? The character of the meetings? The character of the meetings at which priests and bishops, men preaching order and constitutional agitation, presided, or proposed, seconded, or supported resolutions. The language used, the banners, the processions, and the shouts of the people during the speeches. But you must judge of a meeting by the whole character before you arrive at any knowledge of it. The language—the drunkenness of Mr. Nally and some of the others. I do not coincide with the language of Mr. Brennan, but unfortunately that language coincides with the philosophy of Mr. John Stuart Mill. It is very like it. I do not see anything in the language of Mr. Brennan which cannot be found in the works of political economists. We may differ with any expressions of Communism, but I think Mr. Biggar and Mr. Parnell would be the last men to agree with those heated expressions and doctrines to which my friend appealed as showing the character of these meetings. Again, we find language used more violent, more illegal, more wrong, by particular individuals—granting for the purpose of the argument that such language was used, the worse it was the more it shows that there was no union of purpose between the men who had not used violent language and the men who did use the illegal language. It is not that at one meeting some men spoke unlawfully or wrong language, or spoke sedition, you must find common union and concert in the

illegal conspiracy before the case of the Crown can be established. Well, now, it is proved by placards—placards that do duty everywhere —placards that we see everywhere. sometimes going through the streets of Dublin—placards that have done duty for every purpose. "Erin shaking hands with Mr. Parnell," a beautiful subject, by some local painter; it is a very appropriate placard that I read to you; cries of the crowd, and so on. Was there ever a crowd of Irishmen in Ireland where there would not be some drunken fellow to call out something improper? And men are to be judged of that; because some drunken fellow cries out, "Shoot him," or makes use of some other improper expression, and the fault is that the men who took part in the meeting did not stop such a fellow—that they did not cry, "Stop that man," or "That is very wrong." When a public speaker is speaking extemporally, or speaking burning words—some of these men, certainly some of them, are born orators—do you think a word of that sort would catch their ears? The landlords, no doubt, are very angry at all this. They say, "Oh, I was named at such a meeting; my name was mentioned," Mr. O'Connor is mentioned. Does he not name the human beings when he puts an execution in force and turns them out into the wide world, and are you not to speak of them except, as I said, in the lodge of the Ribbon Society? The best way to prevent crime is to appeal to public opinion and the light of day, and not to appeal to the power of a private conspiracy. Public opinion will find its way to England and have a due and proper effect. That is not what will be done in the Ribbon Society, where a landlord's name is not mentioned except in a whisper. Can, I say, a movement be wholly bad where archbishops and bishops and priests, those who know the wants of their country, those who know the people, who stood beside them in the hour of their suffering, who stood beside them in the hour of eviction, and who knew their wants. Can this be wholly bad where the meetings and the cause have received the support of such men as Dr. Duggan, the Bishop of Ross, and Dr. Croke—no, it is impossible. The next topic referred to was that of the *Nation*, but that is no evidence against the traversers. They are evidence against Mr. T. D. Sullivan, it is his publication. Every one of those articles may be read, and they are as innocent articles as can be. Of course they may be evidence of certain meetings being held, but otherwise they are no evidence against the traversers. When looking at them you will find these articles teeming with matter vital for the defence of the Constitution. You will find a letter of the great Archbishop of Tuam, who has seen so much of Ireland, you will find one of his letters in one of the papers which have been put in. The pastoral was appealed to of Dr. M'Cabe, the Archbishop of Dublin, in order merely to create sympathy against us in your minds, because he is the Bishop of the diocese. They did not read the half of that passage; if they did they would find that he condemns in language as strong as any one can make use of the land system of Ireland for the reform of which these men are struggling. He uses words condemning those who incite to crime, and he was right to do so, for he would have forfeited his position as a Bishop if he did not, but he takes care to say that not one of those gentlemen we are trying now fell under the banns of his censure. There may have been meetings which fell into the same error and at which improper language was used, but if that letter of the Archbishop is read you will find that it is a condemnation of the land system under which we live. Two other documents were referred to—Mr. Devoy's letter from America, and Mr. Harris's letter on the political situation.

Their simple argument was that the National cause (that is the movement to give independence to Ireland) was not half so useful as would be the amelioration of the land laws and of the condition of the tenant-farmers of Ireland. That is the whole of the letters of Messrs. Harris and Devoy. You say by them that this should be made subordinate to the question of Irish independence, "No," he says, "the first question is to make the tenant more prosperous and contented by the amelioration of the land laws." That is the only fault in these documents, if fault there be.

The only document that I remember is the poem of Miss Fanny Parnell, who has written against emigration—

> "Let go the trembling emigrant—not such as he ye need;
> Let go the lucre-loving wretch that flies his land for greed;
> Let not one coward stay to clog your manhood's waking power;
> Let not one sordid churl pollute the Nation's natal hour."

She was competent to write upon this subject; she who had lived in America so long, and had seen what we cannot see, the fate of the Irish exile when he or she had left the shores of Ireland, and had landed in one of these American towns. Then in the last count of this information we are charged with having excited ill-will between landlord and tenant; "seditiously exciting discontent between landlord and tenant by conspiracy; that we seditiously conspire to excite ill-will between landlord and tenant in Ireland, with the object of injuring them." My learned friend, the Attorney-General, says—"It was necessary to create ill-feeling, and to break up the kindly relations that existed—in many instances, at all events—between landlords and tenants who held their property. Accordingly, a crusade has been preached abusing the landlords." But it is a crusade against landlords, not as individuals, but as a class. It is a crusade against a system; it is against landlordism as it has been over and over again. You may, of course, differ from them; you may say that certain words were expressed in bad taste; you may say that certain opinions were wrong, and that certain documents which were read were read for no other purpose than to create sympathy against us. Everything that parodies a sacred thing is of course irreligious. But let them refer to the Ten Commandments of Paudeen O'Rafferty, and they will meet the condemnation of every religious man. There is not one sentence in it which goes to prove conspiracy. But if this feeling has been excited against landlordism since the month of August last, where was the Attorney-General in the month of May last? Why was not this prosecution instituted—why were not the men challenged for the words they had spoken? It is not now in the mouth of the Government or of the Attorney-General to come forward and say that for six months the landlords have been preached against, and their lives imperilled, yet that the meetings were not only not prohibited, but were actually protected by the police. And this has been done, as I told you before, by the landlord class themselves. Don't we know what happens in this case? At once there arises a tremendous outcry from the persons interested in the abuse; the sacred privileges of the order are invaded; the Conservative Press teems with suggestions; terrible suggestions to shoot the priests are introduced at a banquet where gentlemen met, and gentlemen of education and position sat, and these dreadful words passed unheeded, They were in a society where such words never should have been made use of. If you look back to the pages of history, you will find that even the name of Wilberforce was held up at one time to public odium, be-

cause he was trying to abolish a horrible traffic; and persons—good men, just men—were standing up then to defend vested interests, and in support of what was then called the sacred rights of property. It suited the Attorney-General to cast a halo over the memory of the great O'Connell, to contrast Mr. Parnell with O'Connell, and to contrast favourably the great man of whom he spoke in very laudatory terms. I cannot help remembering that for three days another Attorney-General laboured to prove to the satisfaction of the jury that that man did not mean what he said, and the prosecution ended in his conviction, helping to crush that mighty heart that always beat in love for his country; and I remember what savage hate there was in the class opposed to O'Connell at the very mention of his name. How hated and detested he was by the class by whom his memory is honoured now! I remember when the name of O'Connell was blackened because it was stated he got pecuniary compensation through the country begging for money—but it was hat in hand to beg for the starving country. Gentlemen—on the main topic of the Crown I would be glad to close the observations I intend to address to you this evening. As to the speeches delivered, in many of them strong words, incautious words, even let me say improper words, may have been spoken here and there—let us take for argument sake in an unjustifiable manner; but I must tell you that if there was a common legal object, as there was in this case, and if in furtherance of that legal object men here and men there—ay, and even everyone of them used illegal language you must not infer conspiracy from that though you may infer it if you like, if you are satisfied there was no escape from it. But that does not prove, and there is no proof of conspiracy if in isolated speeches of individuals in different parts of the country, north, south, east, and west, men used unjustifiable expressions. If a man breaks the law he may be indicted for it, but you are not to be asked to weave round the others a net-work of conspiracy. This was a fair and open agitation, in open daylight, carried on by public meetings, the Government reporters present. It was no secret conspiracy. Every word was taken down of statement made before the people, and are words to be spoken on these occasions to be weighed in the scale of gold? You have nothing to do with the political opinions or the taste of the speakers. What you have to do is to find whether there was a conspiracy, considering the language used here and there. Whenever language is used seeking to interfere with the existing state of things, you will find men to quarrel with it, you will find men to cry out against speeches made on such a subject. The truth of it is, that England is so Conservative a country, that unless you agitate, unless you clamour for rights, unless you influence public opinion, unless, as I said, you come clamouring to the feet of the throne, let your case be just, holy, or wise, as it may be, you will never get reform from the British Parliament. You must speak strongly; you must use strong language; you must use strong words—occasionally they may be excessive; but what is excessive language but the very exuberance rising in the majesty of its wrath. It is impossible to check it; it will ever be connected with public meetings and with men who address public assemblages, and it would be unjust and unwise to check it. What are these speeches? Extemporary speeches, words not weighed, words that had not come before the minds of the speakers before the men stood up to speak. Even we lawyers, who are trained to keep watch and ward over our lips, very often state a word which, when to-morrow comes, brings regret to us. You must consider what these men

are; you must take into consideration the circumstances under which and the places in which they have spoken. We have some of them of the people, all of them with the people, all raised to eminence by the people's voice. Let me take one of them for illustration. Let me take Mr. T. D. Sullivan, who is a born orator and a cultured one. Let me take him down in the west of Cork—in his native place—the scene of one of his speeches—there in the cradle of his boyhood, where every rock and strip of sea reminds him of days gone by. It is a fair land to look upon, as many of us know, if the ruined homestead did not tell its ghastly story. He sees in the surging crowd before him the faces of men who stood before him in the times of famine in that deserted land. Can he speak in measured sentences as he tells of times he remembered and of the terrible incidents. When he tells of that cruel estate rule, when there was a father whose child came to him and he could not allow her to cross the threshold because of this cruel estate rule, and she was driven from her father's house because of it, and this occurred in the times of the old Gospel—the Gospel of peace and charity and good-will in this Christian land. And are the words to be closely measured of men who speak them to the people of things they know well. Let not free discussion be stifled at public meetings held to arouse public opinion, and to arouse public opinion, ay, by strong words and by political words appealing to the feelings of the people rightly. Gentlemen, the very term of freedom of speech itself involves occasional excess. It is the thing which a certain class would wish to stifle for that reason. My learned friend in his powerful address stated that he knew when counsel for the traversers could come to speak, they would say, did they want to stifle free discussion. This was the argument used by men who stated, while they wished to give all license, people should not go too far. They would give us liberty, but we must not abuse it. That is the language of all tyrants who wish to crush free discussion. But, gentlemen, we are living in times when even an Atheist—a man who openly avows Atheism—is allowed into the Legislature for the purpose of making laws for a Christian land, and here are the voices of priests and bishops to be stifled, while the voice of the Atheist is allowed to be heard. Is free speech to be stifled in this Court? Never. Is free speech to be stifled in this country? If so, the evils with which she has been so long afflicted would never be cured. This is the first time in my recollection that a public prosecutor has come forward telling us that the main object for which we are prosecuted was a just and a good one. The establishment of a peasant proprietary is a right one and a wise one. That is the case of the Attorney-General, but then he says in some of the speeches you went too far. But, gentlemen, I tell you if you destroy the advocate you will destroy the cause. You cannot sever them. If you crush one you crush all. So long as there is a great cause to gain and a great end to win, so long would there be free speech in this country. Gentlemen, I am nearly done; but I don't think, whatever I may have said or omitted to say, that I have trifled with you too long. Six years ago the cause Mr. Parnell was struggling for was condemned as a wild one and a visionary one. Two years ago it was said to be a wise and a good principle, but utterly impracticable. To-day, if there is a cloud over the land, it is the silver lining of the cloud that hangs over it; and in days of good time, when this end has been accomplished—ay, accomplished it shortly will be—and the name of Mr. Parnell inscribed upon the banners of his country, every one will look back on the mellowing light of time, and will wonder, with all good men, why such a reform was so long

delayed. Gentlemen, you are trying now the advocates of that cause—that just and good cause—men who have advocated it honestly—men who have advocated it single-mindedly, without any end of their own to serve—without any hope except the gratitude of their country. That country awaits your verdict now, and if you pronounce a verdict of acquittal you will have then established by your verdict, through the length of the land, wherever there is a farmer's house or a peasant's cottage, a result which will create a thrill of joy.

Mr. Justice FITZGERALD.—We don't intend to call upon you to go into evidence this evening, but I hope it will not be very inconvenient for you to sit to-morrow.

The *Foreman* of the Jury.—Some of the jurors, anticipating that they would get to-morrow, have made appointments; and one of the jurors wishes me to mention that he is extremely unwell.

Mr. *Biggins* (one of the jurors).—I am extremely unwell, my lord, and I would require a day's rest.

Mr. Justice FITZGERALD.—If you tell me, as mercantile men, that you would be inconvenienced, and if one of your body tells us that he is unwell and would require rest, we would be inclined to adjourn over to-morrow.

The *Foreman*.—It would be very important to several of the jurors to get off to-morrow.

Mr. *Biggins*.—I am really very unwell, my lord, and I should feel obliged for a day's rest, which I need very much.

Mr. Justice FITZGERALD.—Very well, then, we will adjourn over to Monday morning at eleven o'clock.

FOURTEENTH DAY—MONDAY, JANUARY 17, 1881.

Mr. Justice FITZGERALD and Mr. Justice BARRY took their seats at a quarter past eleven o'clock.

Mr. Justice FITZGERALD said—Now we are ready to hear your evidence, Mr. Macdonogh.

Mr. *Macdonogh.*—Gentlemen, I now proceed to deliver my evidence in the case. I have classified the evidence, my lord, and I shall just shortly, without making a speech, state to what each head is to be applied, and the first evidence is to be applied to show what the chronic state of Ireland was antecedent to the Land League of 1879. That is evidenced by the public statutes of the realm, both before the Union and post Union—the ante-Union statutes, the 15th and 16th George III. chapter, 21, and the 1st and 2nd William, IV. chapter, 44—the one ante and the other post Union. My lord, I have forty-one Acts of Parliament ranging over a long period of time. The number ought to be forty-five or forty-six, but in the list the Unlawful Oaths Act is omitted. I shall shortly remind your lordships of them, by running through the list. There are the Change of Venue Act, the Disturbance Amendment Act, the Importation of Arms and Gunpowder Act, the Public Peace Act, another Arms Act, the outrages Act, an Act Consolidating previous Coercion Acts, the Constabulary Force Enlargement Act, the Crime and Outrage Act, various other Acts; the Suspension of the Habeas Corpus Acts in 1866, 1867, and 1868; the Peace Preservation Act of 1870, the Protection of Life and Property Act of 1871, the Peace Preservation Act of 1871, the Peace Preservation Act of 1873, and a similar Act in 1875. I pass over the Unlawful Oaths Act; and, excluding it, those I have mentioned make forty-one. My lords, that these Acts were all referable to the relations between landlord and tenant is quite apparent both from some of the parts of the statutes and from a statement of a Lord Lieutenant of Ireland, the Earl of Chesterfield:—"I see you are in fears again from the Whiteboys, and have destroyed a good many of them. I believe if the military force had killed half as many landlords it would have contributed more effectually to restore quiet."

The *Attorney-General.*—I don't know, my lord, whether my learned friend means to contend that a speech made in the middle of the last century is evidence in this case.

Mr. *Macdonogh.*—I quote from Lord Mahon's history of England.

Mr. Justice FITZGERALD.—We gave you the utmost latitude of statement, Mr. Macdonogh. We did not object even to the Barons of Runnymede; but to allow you to put in evidence a speech of Lord Chesterfield's, made a century ago is a little too much.

Mr. Justice BARRY.—We cannot take that evidence.

Mr. *Attorney-General.*—I object to it.

Mr. Justice FITZGERALD.—You might as well put in Sir Robert Kane's book showing that Ireland is capable of supporting twenty millions of people.

Mr. *Macdonogh.*—Of course, it is for your lordship to decide. It is my duty to submit the evidence; it is your high province to decide upon its admissibility.

Mr. Justice FITZGERALD.—We reject it.

Mr. *Macdonogh.*—The evidence then before you, gentlemen, consists

of the statutes of the land which their lordships will judicially tell you of, and which will answer me just as well as Lord Mahon's history. I next offer as evidence a number of bills introduced into Parliament from 1870 down to 1880, for the amendment of the law which regulated the relations of landlord and tenant.

Mr. Justice FITZGERALD.—If you tell us the number we will take them.

Mr. *Macdonogh.*—Twenty-eight bills.

Mr. Justice FITZGERALD.—I take your statement in that respect to be accurate.

Mr. *Macdonogh.*—Yes, my lord, and these bills are either dropped or withdrawn. I have an accurate list of them. My second head of proof is that discontent as between landlord and tenant exists before October, '79, and that is provable in the self same way which cannot be doubted —proof which is inexorable and cannot be got rid of—the statutes of the realm. Next I proceed to prove a fact, that hardly requires proof—the famine which took place in 1846—and then I proceed to the Act of 1870.

Mr. Justice FITZGERALD.—The famine of 1846, 1847, and 1848.

Mr. *Macdonogh.*—Yes.

Mr. Justice FITZGERALD.—We will take judicial notice of them.

Mr. *Macdonogh.*—Notoriety is the ground in the language of the law. Then there is the Act of 1870. Then I prove the famine which impended in October, 1879, and its consequences, which led to the introduction of the Disturbance Bill of 1880. I hand in that Disturbance Bill which I referred to, and will not trouble you with it again; you remember that it gave two years to persons who could not pay their rents, and whose inability to pay was owing to the distress. Then I give oral evidence of that distress. Mr. Adams, will you be good enough to examine Mr. O'Brien.

Mr. WILLIAM O'BRIEN, sworn and examined by Mr. *Richard Adams.*

Mr. O'Brien, I believe you belong to the literary staff of the *Freeman's Journal*?—Yes.

Did you, in the course of 1879, visit large districts of Ireland?—Yes.

Will you kindly say what time you spent in that visit, and what parts of Ireland you visited?—Rather more than two months.

What time of the year was it, please?—August, September, and October.

Seventy-nine?—Seventy-nine.

Mr. *Macdonogh.*—Do us the favour to raise your voice, Mr. O'Brien.

Witness.—I am not very strong—neither myself nor my voice—but I will do my best.

Mr. *Adams.*—What parts of Ireland did you visit during these three months?—The West and South.

What counties, if you please?—Galway, Mayo, Clare, Limerick, and Tipperary.

Did you go carefully and regularly through these counties—did you traverse them?—I visited a great many districts in each—almost all southern Mayo, all west Galway and almost all Clare and Tipperary.

Do you know, as a matter of fact, were Land League meetings held in any of those counties before your visit?—At the time of my visit to those places Mayo was the only county in which any Land League had been formed—not the present Land League even, for it was not founded at that time; but a few weeks before my visit to Mayo there had been

a Mayo Land League formed. That was, I believe, the precursor of the other.

There were no Land League meetings in any of the other counties at the time you visited them?—None, nor any other meetings, as far as I know.

Can you state, proceeding through the counties as you have mentioned, and only stating what fell under your own observation, what was the condition of the people as to food and so on when you visited them?

The *Attorney-General.*—My lord, I fear I must object to this class of evidence. Mr. Macdonogh has given in evidence, without any objection on my part, the Disturbance Bill. Of course it was not legal evidence, but I did not object to it as showing that there was distress, but as to giving oral evidence of such distress that is quite a different matter. It opens an endless inquiry, and seems to be entirely irrevelant to the issue we have to try.

Mr. *Macdonogh.*—I submit, with great respect, that it is directly relevant to the issue to be tried before your lordships. I intend to argue the great and substantial question by and by; this partially opens it, and it may be as well to reserve the full argument, for I propose to prove by and by, not merely the distress in the country, but to trace it to its cause, and to prove that the grossest cases of cruelty and oppression, clearances of valleys and of mountains, the depopulation of the country; but I will argue, and I am prepared to argue it now with the greatest deference to your lordships. I think it a question of the highest importance, and I have meditated upon it, and I am prepared to argue it now. It is the smallest branch of it, but I think the best way to test it is this—to call up the witness who is to prove one branch of the clearances of seventy-nine families and a vast number of people, and their deaths in the ditches and workhouses.

Mr. Justice FITZGERALD.—We had better deal with one subject at a time. What question do you put to the witness.

Mr. *Adams.*—The question I put, my lord, was—From your own personal observation, what was the condition of the people in the various counties through which you passed as to food, destitution, and so on?

Mr. Justice FITZGERALD.—I really, Mr. Attorney, see no objection to a general question of that kind.

The *Attorney-General.*—I am anxious not to object where it is possible.

Mr. Justice FITZGERALD.—In fact, we propose to take ourselves judicial cognizance that very widespread distress prevailed in all these districts in the summer and autumn of 1879, and you may add the winter of 1880; very widespread distress.

Mr. *Adams.*—Well, now, Mr. O'Brien, would you just as shortly as possible state the general condition of these counties through which you passed?—Well, people appeared to me to be in a condition very little short of despair. There seemed to be nothing before them but starvation. They had nothing to look to. There was no sign of agitation except in the county Mayo. There was no sign of agitation in those places.

The *Attorney-General.*—This is not the condition of the people as far as their physical resources were concerned, but their condition of mind.

Mr. Justice BARRY.—All he mentioned is an incident of the condition of things, that there was no agitation.

Mr. *Adams.*—Well, as to their material condition, Mr. O'Brien?—The general run of the small farmers——

Mr. Justice FITZGERALD.—Don't you think it is quite enough what the

court has intimated. We propose to take judicial cognizance here, as a matter of notoriety to everybody, that very large and very deep distress prevailed in those districts in the summer and autumn of 1879 and the winter of 1880.

Mr. *Macdonogh.*—And in addition do me the favour to add the oral evidence which has been given, and I don't press it further—despair, starvation, and no agitation.

Mr. Justice FITZGERALD.—I have taken both these down.

Professor GEORGE SIGERSON sworn, and examined by Mr. *Curran.*

Are you a medical doctor?—I am.

And dean of the faculty of science in the Catholic University?—During last year.

You are also a licentiate of the King's and Queen's College of Physicians?—Yes.

A member of the Royal Irish Academy?—Yes.

And other societies—now, were you a member of the Mansion House Relief Committee during the year 1880?—Yes.

And as a member of that Committee did you visit some of the counties of Ireland during the year?—I did.

What counties did you visit?—I visited the county Mayo, county Galway, and portion of the county Sligo.

I believe it was principally with reference to ascertain whether famine fever existed or not?

Mr. Justice FITZGERALD.—Was that in 1879, Dr. Sigerson?—In 1880, during the past year. It was with reference to the existence of fever, and chiefly to the causes which had predisposed the population to contract that fever.

Mr. *Curran.*—Well, now, on the occasion of your visits in these counties did you ascertain that fever to a considerable extent existed?—It existed to a very great extent, to an extent much greater than was recorded, either in the journals or in the official record.

Now, from your knowledge as a doctor, were you able to ascertain the causes of that fever?—Yes. It was quite plain that the cause was due to the enfeebled condition of the people who had contracted it, owing to the deprivation of food—of sufficient and proper food. Of course, there were certain cases of contagion which always existed, and did exist during the famine of 1846, 1847, and 1848.

Now, from your own personal observation were you able to ascertain there was a very considerable amount of fever existing in these counties?—A very large amount.

Now, from your own personal observation, doctor, I ask you what was the condition of the people in those counties which you so visited?—Of course I can only testify as to the condition of those whom I saw, and in such cases to judge by the aspect of the cabins, which were devoid of any food except what had been given by the charitable committees, and to judge by the physical appearance of the people themselves—to judge by the state of neglect in which those suffering from sickness were, I should say that it would almost be impossible to exaggerate the danger which those people ran of death from starvation. They would, I should undoubtedly say, have starved unless our charitable committees had come to their assistance in due time. Some, I believe, did starve.

Doctor, do these observations of yours apply to tenant farmers in the district which you visited?—Oh, yes, it was chiefly to the small farming

classes that we directed our relief, and it was to these that we paid our visits. At the same time, some small farmers in the county Mayo are to a certain extent migratory labourers. They have two or three, or four or five acres.

Doctor, in the course of your visit, and seeing those people laid low by fever, did you come across many cases in which evictions were pending over them?—I came across cases in Ballaghadereen and Rossmuck——

Mr. Justice FITZGERALD.—Don't answer that. These questions to a doctor are open to a hundred objections.

Mr. *Macdonogh.*—We don't press it at present, because it is not raised.

Mr. Justice FITZGERALD.—The doctor can go down.

Mr. *Macdonogh.*—The next class of proof consists of what I stated the other day, and which is to be admitted as a matter of course—namely, the statistics as to the number of convictions antecedent to 1877 and subsequent to that period, and how they grew as the famine went on. The average evictions in the five years ending in 1877 was 503 for each year; in 1878 the number of evictions was 743; in 1879 it was 1,098; and up to the 20th June in 1880 it was 1,073 in the six months. With regard to the potato crop, there was more than one-half less the year before last than the preceding year. I take these from my friend Mr. Law's statement. During the six years ending 1874 the estimated value of the potato crop was nearly £9,500,000 sterling; in 1877 it was about £5,250,000; in 1878 it was £7,500,000—it was better in 1878; and in 1879 it fell to £4,250,000.

Mr. Justice FITZGERALD.—Is that the loss on the crop?

The *Attorney-General.*—That is the entire crop.

Mr. *Macdonogh.*—The loss is estimated by taking the £4,500,000 from the £9,500,000—that is the clear loss on the three years of over £10,000,000—in potatoes alone, according to the value put on them in "Thom's Directory."

Mr. Justice FITZGERALD.—That is about half the crop in '79—there was about half the crop lost?

Mr. *Macdonogh.*—Yes. The whole valuation there of agricultural land in Ireland was £11,000,000, of which £5,000,000 was in the distressed districts in the West, so that the loss on the potatoes alone in the last three years in Ireland amounted to nearly the whole valuation of Ireland.

The *Attorney-General.*—I object.

Mr. *Macdonogh.*—It is stated here—it is stated in Hansard.

The *Attorney-General.*—It may be quite wrong.

Mr. *Macdonogh.*—Mr. Hansard corrects his speeches, and I say it is perfectly right. The whole value of the agricultural land in Ireland was £11,000,000. Now, I say, taking the loss on the potato crops—£10,000,000 in three years—it is within one million pounds of the whole agricultural valuation. I now propose to prove one of the most important questions we shall have to decide—I am convinced of it. Now, my lords, I propose to prove the facts by eyewitnesses of the actual sufferings which, my lords, the statutes I have referred to and the historical writings I have referred to in my speech to the jury have promulgated to the world. That is virtually what I propose to do, and to do it thus—by proving the actual evictions and clearances which occurred in the famine of 1846. I am putting it most unfavourably now to myself, because I want to raise the great argument before your lordships. Then, I propose to prove—in every one of the districts which

we proved to have been visited by famine and distress—I propose to prove by one witness in each, not to multiply witnesses, the evictions of countless families and persons, their deaths, their going into the workhouse, and their emigration. My lord, I have reduced to writing, lest their should be any misconception, the grounds upon which I mean, respectfully, to argue this question. My lord, your lordships will remember that in the clear and lengthened, not necessarily prolix by any means, statement of my learned friend the Attorney-General, he described the old gospel and the new——

Mr. Justice FITZGERALD.—I heard a great deal of the new gospel; I did not hear much of the old.

The *Attorney-General.*—Your lordships will take judicial cognizance of that.

Mr. *Macdonogh.*—The Attorney-General spoke, my lord, of the old gospel and of the new. He spoke of the old gospel and of the peace and happiness that existed under it; he, shortly, represented the old as halcyon days, and said that the authors of the new gospel aimed at creating strife and discontent between landlords and tenants. That was, as I understood it, the opening position taken by my learned friend. I take the 19th count of the indictment——

Mr. Justice FITZGERALD.—That is the last count?

Mr. *Macdonogh.*—Yes, my lord—as being the one to which my arguments will mainly apply—the seditious intent to create discontent and strife between landlord and tenants. I will just give it shortly—I will not trouble you, gentlemen, with reading matters of this description. The charge against them is that they unlawfully, wickedly, and seditiously devising, contriving, and intending to cause and create discontent and disaffection amongst the liege subjects of our said Lady the Queen, and to excite and promote feelings of ill-will and hostility between different classes of the subjects of our said Lady the Queen, to wit, between landlords and tenants in Ireland, did amongst themselves unlawfully, wickedly, and seditiously conspire, combine, confederate, and agree together to cause and create discontent and disaffection amongst the liege subjects of our said Lady the Queen, and to excite and promote feelings of ill-will and hostility between different classes of her said Majesty's said subjects, that is to say, between landlords and tenants in Ireland, and further to excite and promote feelings of ill-will and hostility towards the landlords of Ireland amongst the rest of her Majesty's said subjects in Ireland." My lords, I should wait until, the witness being on the table, the question I should like to ask be objected to by the Crown or not. I am as yet prematurely arguing, until I put the question, and know whether my learned friend intends to object to it or not.

NICHOLAS BERRY was then called, and having been assisted on the table, was sworn, and examined by Mr. *Walker*.

How old are you?—Eighty-three years next July.

Where do you reside now—where did you come from?—Castlebar. I got into the workhouse on the 19th of March.

Were you at one time a tenant on Lord Lucan's property?—I was and my father before me.

Mr. Justice FITZGERALD.—This, I suppose, is evidence of what took place in 1847 or 1848.

Mr. *Macdonogh.*—It is, my lord.

Mr. Justice FITZGERALD.—He says that in 1847 he was a tenant on the property of Lord Lucan.

Mr. *Walker*.—1848, my lord, as a matter of fact.

Mr. Justice FITZGERALD.—This is in county Mayo, I suppose?

Mr. *Walker*.—Yes. (To witness).—In that year, 1848, how many people did you yourself see put out?

The *Attorney-General*.—Don't answer that for a moment. My lord, I object to that as being wholly irrelevant to the present inquiry.

Mr. *Macdonogh*.—Well, now, I think the man might be let down.

(The witness was then assisted from the table, but directed not to leave the Court).

As the witness was leaving the table, a Juror asked—Might I ask the witness a question?

Mr. Justice FITZGERALD.—Not at present.

Mr. *Macdonogh*.—My learned friend, the Attorney-General, has objected to the reception of the evidence, and as his duty was, he has stated the ground of the objection.

Mr. Justice FITZGERALD.—What was it—I did not hear him?

The *Attorney-General*.—That it is entirely irrelevant, my lord.

Mr. *Macdonogh*.—Because, now, the House of Lords has finally settled that not only should the objection be taken, but the ground on which it is made should be taken, otherwise it is no objection at all. To answer that argument of irrelevancy I proceed, and I say the evidence is directly revelant to the count in the indictment to which I was referring. My case is that discontent and hostility existed between landlords and tenants long before the idea of a Land League was ever started, just as in the Corn Law League in England. The Corn Laws were a cause of discontent between landlords and tenants and the community at large. And my case is that the Land League has founded its case, and moulded its thoughts and language upon the facts to be discussed in the transactions to which I intend, with your permission, to apply the evidence. What ground do I rely upon to show that the evidence is directly relevant? We are assailing—that is, I am speaking for the League—they are assailing the land system, that is the system of landlordism. The evils imputed to the system, they say, were of ancient origin; that it was a system under which atrocities occurred; that the traversers had attacked it; that what they attacked is that system and not individuals; and that to negative criminal intention they are at liberty to show the evils of the system which they did attack. The very word "system"—your lordships know the Greek derivation, and I need not trouble you with any affectation of learning by mentioning it; but you know it is a word used in contradistinction to individuality. It does not mean the thing of yesterday; it means that which had continuity for a number of years — for a considerable time. My lord, they say they attacked that system, and that the evil which they sought to destroy can be demonstrated by the clearances that they intend to prove. The remoteness of the time, and which, to test the question, I, with the assent and approval of my learned friends, have chosen as the fairest way to test the question—the remoteness of the time, whether twenty-four or twenty-six years ago, so far from detracting from the force of the evidence intensifies it and makes the evidence relevant. It is, I again say, a system which is assailed and not an individual, and to prove that that system was carried out upon its original principle, through various ramifications, all of the self-same class—clearances and evictions—that becomes more directly relevant because it is somewhat more remote. If it were a thing

of yesterday, it would not be a system. It might be the foundation and origin of a system; but it would not be an established one. My lords, I contend that the reception of the statistics in evidence gives to the traversers a semblance of right and not its reality; that the system of landlords which it was the real intent of the defendants to remove as a beneficent reform in their estimation, was not merely the system under which the population disappeared, but the system under which acts of fearful cruelty were perpetrated, and that strife and discontent existed in our country in consequence, and that the defendants ought to be allowed to show its characteristics. What do the statistics show? They show the facts. How shall I characterize the facts? By showing what the facts were. The statistics prove that in the extremity of distress, and with impending famine, relief was afforded and life saved by that marvellous benevolence which actuated I say, not only the Duchess of Marlborough, not only the Mansion House Committee, but primarily occupied Mr. Parnell. If he has erred—I say he has not, and I will show it presently—his object was benevolent, and he was the first to start it. I say, the statistics show that there was an increase from 503 evictions to 1,000 odd—I am not giving you the fraction of that number—and that during the time that famine was impending over the people; and you have had from Dr. Sigerson and from the other gentlemen, the wretched condition, the despair and misery of those poor people. I say, my lord, that while the statistics show the acts, the facts will prove the character of the acts." Again, my lord, I want to contrast the evictions after the famine of 1846, and to show that in a direct ratio with misery the evictions took place; and, therefore, that in 1880, similar natural calamities having arisen, and the tenants being unable to pay their rents, they had then fallen under the power of the landlords in an exactly similar way, and that the circumstances were precisely analogous; and that the Land League were justified in October, 1879, in forming themselves into a body, with just and proper rules, to endeavour to alleviate the distress, and stop the further destruction of the people and their expatriation by limiting evictions; and that, therefore, it is evidence to show, that what in similar circumstances, happened to the tenants of Ireland prior to 1870, when there was no public opinion to protect them, again occurred in 1880, when famine was at the doors of the Irish people, unless the evictions could be stopped by some proper means. My lords, I have heard no other objection to this evidence than that of irrelevancy. It is irrelevant to show, in order to negative this malicious and seditious intent, attributed to these defendants, that the circumstances of their country called for the exercise of every man's intelligence, and that they were not actuated by any malicious intent; but that they were moved by natural and just sentiments to relieve and to ameliorate the condition of their people. My learned friend has not stated any other ground of objection. The remoteness of the evidence might have been urged, but it would have been without any foundation. My lords, if you were trying an unfortunate culprit—an alleged culprit—at the bar of a criminal court for murder you would receive, in order to show the state of his mind and malice prepense, if necessary—you would be entitled to receive—and you would receive—the uttering of grudges against the deceased man by the prisoner to show the malicious feelings which he entertained, and which would prompt him to deface the image of his maker; and the remoteness of these grudges and the antecedent malicious expressions—though the remoteness might detract from the value of the evidence—

could never prevent the admissibility, so that, showing it was ten years since he uttered those malicious expressions, would be an idle argument against admitting them. It would be founded upon this—that he became of a more Christian state of mind and relinquished the design, but they could not be shut out in evidence, and that is so, even in the case of malice against one man, and that *a fortiori* is admitted here when the Land League assailed the system and not the individuals. My lord, the best proof of that exists in this fact, that from the beginning to the end my accomplished friends on the other side, with all the power which wealth can give and talent can supply, have not in the whole course of this case adduced a single instance of individual wrong. It was a parcel of speeches against this system of landlordism they relied on, and then it is imputed to the defendants that their evil designs were to sow strife and discontent. I say strife and discontent have existed in a chronic state for upwards of a century—from the 15th and 16th George III.—beginning there—I might have gone further back—down to the period at which I have the honour of addressing your lordships. I say the whole of that, and I propose to prove that they are not imaginary cases. The defendants did not invent what they now propose to prove. They are the sad effects of a distracted and miserable country. The defendants propose to prove them, and they state to the Court that the proving of them is relevant. We say that our designs were innocent—that we endeavoured to stop evictions—that we effected a good which even the Parliament of Great Britain and Ireland has failed to effectuate. We stopped evictions, and in doing so stayed crime. That is their case. Their case is that they were animated by honest purposes, and, my lord, the evidence, I respectfully submit is to be regarded *secundum subjectum materiam*. We are not discussing the law of bill of exchanges or of goods sold and delivered, but the great question whether these men who are on their trial harboured evil designs, and created strife and discontent; and having regard to the magnitude of the question—and the question of intent being a great question—there can be no guilt if the intent be not established. What says the law upon the subject? The question of intent is now a question of fact. It is a psychological inquiry, and therefore the evidence must be *secundum subjectum materiam*. In Best's "Book on Evidence," page 356, the last edition, it is stated—"Evidence to prove intent: But acts unconnected with the act in question are frequently receivable to prove psychological facts, such as intent." Then a variety of illustrations are given. "Thus on an indictment for uttering a forged bank note, evidence is admissible that the accused has issued similar forged notes." Why? Because a man might by accident utter forged notes, but what you want to prove is intent. Therefore you may go outside the act charged to prove other similar acts to show intent. These foreign facts are admissible; and therefore, "in a recent case it was said that it seemed clear, on principle, that when the fact was proved, that the prisoner had done the act charged; and the only remaining question was whether, at the time he did it, he had a guilty knowledge of the quality of his act, or acted under a mistake; evidence was admissible to show that he was, at that time, pursuing a course of similar acts, and thereby to raise a presumption that, in the case in question, he was not acting under a mistake." Nothing can be clearer than that the law of evidence must be elastic, and expand according to the nature of the thing to be proved. What is to be proved? The intent. The Crown are bound to prove it. I have now submitted to the Court respectfully what occurs to my

humble judgment, and I do it with the utmost respect for your lordships; of course my opinion may be utterly valueless, because I may be animated by the zeal of counsel. I ask your lordships to say this evidence is admissible.

Mr. *Walker*, following on the same side, said—I desire, my lords, to say a few words as to the legal grounds upon which it appears to me this evidence is receivable and relevant. My learned friend has fairly told you that we intend to prove acts of clearances and evictions with accompanying hardship, from 1848 down. That is the scope of the inquiry upon which the defendants enter. My lord, the counts before your lordship in this information charged intent of a threefold character. Intent in one case to injure the landlords; in another to injure persons desirous of taking evicted farms; in the third case intent to injure persons who had taken evicted farms. And then you have the 19th count in which the charge is that they seditiously and unlawfully intended to create ill-will between different classes—between landlord and tenant—and that they seditiously conspired to bring about this ill-will—the sedition covered everything included in the term illegality. We have further that my friend, the Attorney-General, in his statement arraigning the action of the defendants, characterized this agitation as factitious and not real, and that it was really (in the minds of those who prosecuted) subordinate to another end, the disintegration of the empire, and to promote the independence of the country. That was the statement of the Attorney-General. Now, my lord, we submit that it is evidence to show that we had no such intent—that our intentions were innocent—that we should show the intentions and acts of the system we assailed, because that will show the quality of those assailed. The objects of the League as stated in their constitution are to put an end to rack-renting, evictions, and landlord oppression. Surely a jury would approach blindfolded the investigation of this inquiry if it were not open for these men to show that the system they assailed combined the three evils against which the Land League agitation was directed. We will show, that within living memory, there has been such a system, and that it had that character. We have in the speeches made and alleged to have been proved by the Crown, strong statements made by different individuals, as to particular acts of hardship. Surely the truth of these statements is important to discover.

Mr. Justice FITZGERALD.—That is a totally different question. If the Crown has read against you any speech in which any specific act is stated you can apply evidence to that.

Mr. *Walker*.—I do not say they have read against us those speeches; but what I do submit is—that when the Crown challenged the whole conduct of the individuals here, an investigation into the whole circumstances cannot be kept back here. We assail the character of the system of landlordism, and thus make innocent and laudable what otherwise might be unjustifiable. Every system is proved by a period of time, and the circumstances connected with it are important. Its remoteness is no objection to it, because there could be no system without remoteness. There can be no objection to this evidence that I see. The Crown have taken up the case of individual landlords, and their case is this—that although it would be an innocent act that one man should say a thing, yet if two or three combine to say it, it would be illegal. Therefore, they individualize the charge. But it appears to me that upon the charges in the indictment, and especially in the nineteenth count, and the statement of the Attorney-General himself, and the law he laid down for your lordship, taken from the recent decision of the late Lord

Chief Justice Cockburn, that conspiracy is a malicious design to injure, that we are entitled to produce evidence to negative malice, and show that our intentions were laudable.

The *Attorney-General.*—It is clear, my lords, that Mr. Macdonogh anticipated that this objection would be made. With reference to one statement of my learned friend, I beg to say that the Crown has not taken up the case of the landlords. We are not inquiring here whether landlords or tenants are to blame, but whether the conduct of the defendants is legal or illegal—whether, assuming they assailed the system called landlordism and desired a change which might be innocent, they have not sought to accomplish it by illegal and criminal means. It occurs to me that it will not help the jury in coming to a right decision upon that question to ascertain whether a particular man was rightfully or wrongfully evicted thirty-two years ago. In the first place, that was before some of the defendants were born, and probably not one of them ever knew anything about the old gentleman, until he was discovered by their legal advisers and brought up to be exhibited to us here. But even on the arguments of my learned friends, if what they want to do is to give the proper colour to the system—to show the evil of the relations between landlord or tenant, how can doing that advance their case? How can the alleged viciousness of the system of landlordism be evidence to show they didn't seek to change that system by illegal means? Nay, would it not rather tend to an entirely opposite conclusion? Besides, if the true character of the relations between landlord and tenant in Ireland, for the last thirty years, be a relevant inquiry here—we should have not only cases of harshness on the part of landlords but also every case of individual kindness on the part of a landlord to a tenant, and the inquiry must accordingly be interminable.

There is no instance I know of in which evidence of this kind was ever gone into. Suppose, for example, the question were as to whether a man was shot by one of the defendants. I hope I won't be misunderstood in putting the case. But how could the fact of the man's strong motive for the act, be relied on as evidence that he didn't do it. Allowing, for one moment, that the defendants here were filled to the brim with the belief that the present landlord and tenant law should be altered, because of the harshness and cruelty incident to the system, that would not in the slightest degree tend to negative their criminality —if, after your lordship's explanation of the law, the jury came to the conclusion that they sought that object by illegal means. Mr. Macdonogh and Mr. Walker altogether abandon the case which they present for admitting this evidence save as regards the nineteenth count. And because the nineteenth count charges the defendants with a course of conduct which, of necessity, does excite or promote feelings of animosity and hostility between different classes of the community, they say "We are entitled to go into the whole history of the past thirty-two years," and if they could go further back all the better, say for a century, to show that landlords who are dead and gone acted harshly towards tenants who are also dead and gone. You will remember that the 19th count does not merely charge them with having created *de novo* a factitious state of ill-feeling: it charges them with having excited or promoted it, and they are just as culpable, just as answerable for inflaming the discontent if it existed before, as if it were all their own creation. The entire of this evidence must,

I submit, be rejected. It does not in any way touch the matter at issue. With reference to what my friends say about the Crown proving actual intent—that is not necessary. No man can dive into the mind of another to find out real intention. The intent here charged means only the natural consequence of the acts which they wilfully did when they chose to stop payment of rent, to abuse landlords in inflammatory speeches and to stop evictions, arresting thereby the landlords' legal rights, and to denounce landlords as having their title founded in force and fraud and blood—terming them land grabbers and land robbers. They used this language repeatedly and deliberately, and the natural consequence followed—namely, that they did thereby excite animosity against the landlords and that intent must therefore be attributed to them. Your lordship stated on Friday that the trial would last, not only seven years, like that of Warren Hastings, but perhaps twenty-one years; but if this evidence were to be gone into, I believe it would not be over for a century, when judges and jury and counsel would all alike be dead and gone, and the case would have to be taken up several times by successive generations of counsel, judges, and jurymen; and heard *de novo* on each occasion.

Mr. Justice FITZGERALD.—The nineteenth count under which this evidence is presented, is so general it is difficult to say what evidence might not be admissible on the part of the prosecution, and on the other hand on the part of the defendants to encounter it. And if we are to go into this evidence under the nineteenth count the only prospect of the termination of the case that I see will be either the death of one of the judges, or one of the jury. There is great difficulty upon this question of evidence, created by the extreme generality of the nineteenth count. Therefore if you insist upon that count remaining we will consider the case.

Mr. Sergeant *Heron*.—I just wish to say a few words—

Mr. *Macdonogh*.—I beg your pardon. Your lordships have heard the reply of the Attorney-General.

The *Attorney-General*.—We are ready to hear your lordship's decision. It did not seem to involve those alarming consequences in O'Connell's case. I don't apprehend any such difficulty from it.

Mr. *Macdonogh*.—That count in O'Connell's case was blown to atoms in the House of Lords.

Mr. Justice BARRY.—Not that one.

The *Attorney-General*.—It was not on any point touching the merits of the case as my learned friend knows very well that the decision of the House of Lords proceeded.

Mr. *Macdonogh*.—It was entirely the demerits of the case certainly.

Mr. Justice FITZGERALD.—This is evidence now of a general character?

Mr. *Macdonogh*.—Yes.

Mr. Justice FITZGERALD.—And it is offered under the 19th count.

Mr. *Macdonogh*.—If it is admissible upon one point, it is admissible upon all.

Mr. Justice BARRY.—Of course.

Mr. Justice FITZGERALD.—As I have said, the 19th count is so general it is difficult to say what may not be received under it. The count is this—"that the defendants did amongst themselves wickedly and seditiously conspire to cause and create discontent and disaffection amongst the liege subjects of her Majesty:"—That is number one—Nothing could be more general than that, and the second is—"To pro-

mote and excite feelings of ill-will and hostility between different classes of her Majesty's said subjects, that is to say between landlords and tenants in Ireland; and thirdly to excite feelings of ill-will and hostility towards the landlords of Ireland and amongst the rest of her Majesty's subjects in Ireland." I think I am right in the observation I made of the extreme generality of that count, and upon consideration my learned brother and I have come to the conclusion that if the Attorney-General relies upon the nineteenth count we don't see our way to reject the evidence. It is only, however, on that count. If the Attorney-General enters a *nolle prosequi* on that count we are clearly of opinion that the evidence now tendered is not admissible upon any other count in the information.

Mr. Justice BARRY:—I will only add one word: I am already of opinion that the evidence ought to be received upon the nineteenth count. The only suggestion I make is whether it is at all necessary, for it does appear to me that all connected with the period of '48 that the traversers mention as material to go before the jury is provided for them by the Act of Parliament, 12th and 13th Victoria, chap. 47, passed in '49, and its very title appears to me to supply material for discussion as ample as any number of witnesses like this that could be produced: It is "an Act for the Protection and Relief of Destitute Poor evicted from their dwellings in Ireland." The first section provides that evictions are not to take place on Christmas Day or on Good Friday. The second section provides that "notice must be given to the relieving officer to provide shelter for evicted people." By the seventh it is made a misdemeanour "to demolish or unroof a house before the wretched inmates have left it." I am clearly of opinion that this evidence is evidence under the nineteenth count.

Mr. Justice FITZGERALD.—We cannot reject it at all events.

The *Attorney-General.*—Would your lordships kindly grant us a short adjournment:

Mr. Justice FITZGERALD.—Certainly—how long do you want.

The *Attorney-General.*—Ten minutes, my lord.

The business of the Court was then suspended for an interval of some minutes, and on resuming.

The *Attorney-General.*—My lords, I understand the effect of your lordships' ruling to be that having regard to the generality, as I think your lordships expressed it, of the nineteenth count you are disposed to rule, if you have not ruled already, that the class of evidence which is now being tendered would be admissible under that count, though not under any of the preceding counts. I am exceedingly unwilling to take any course which would protract this inquiry beyond all reasonable limits, in fact an inquiry that I don't myself see how it could ever come to an end if it were prosecuted in the way now proposed. Therefore on that distinct understanding that the evidence is offered or at least is ruled by the Court to be admissible under the nineteenth count, and under that count only, I beg to say that I don't think it is necessary for the purpose of our case that we should retain that count; and, accordingly I think it is more consistent with my duty to enter a *nolle prosequi* upon it.

Mr. *Macdonogh.*—May it please your lordships, my learned friend dropped a word which I never used; I tendered this evidence upon the whole indictment.

Mr. Justice FITZGERALD.—We don't commit you to any understanding. The Court has ruled that though it did not see its way to reject this evidence, having regard to the generality of the nineteenth count, it was

more clearly of opinion that it was irrelevant to any other count of the indictment.

Mr. *Macdonogh.*—And so I understand your lordships, but I never said it was applicable to the nineteenth count. I did say that if the evidence was admissible under one count it would be admissible under all.

Mr. Justice BARRY.—Oh, of course not. We ought to receive it on the nineteenth count, and we won't receive it on any other.

Mr. Justice FITZGERALD.—We take you now, Mr. Attorney, as entering a *nolle prosequi* on the nineteenth count?

The *Attorney-General.*—Yes, my lord.

A *nolle prosequi* was then entered on the nineteenth count.

Mr. *Macdonogh.*—So long as, matter is *sub judice* and under the consideration of the courts, it was my duty to argue it, but when your lordships shall have decided upon any points, then, of course, the time for argument will have passed. Now, my lords, there is one other matter to which I have to refer. There is one thing I want to raise which has never been decided by the House of Lords, the highest tribunal, and I respectfully ask your lordships to answer it. It is a questionable point, but the balance of authority is in favour of the proposition I am now about to submit. Your lordships having rejected the evidence upon the other counts of the information, I respectfully say that I am entitled in a misdemeanour case to tender a bill of exceptions to go to the House of Lords. I will particularly refer your lordships to the state of the law before I refer to the authorities at all. For a long time it appeared to have been considered clear law that a bill of exceptions would not lie in a criminal case.

Mr. Justice BARRY.—Does a bill of exceptions lie in a trial at bar?

Mr. *Macdonogh.*—I see no reason why not.

Mr. Justice BARRY.—It wants authority for that.

Mr. Justice FITZGERALD.—The case is now before the Court. You are now before the Court of Queen's Bench.

Mr. *Macdonogh*—So we are now before the Court of Queen's Bench, but it is a trial at bar, more elevated in its character than if it were proceedings at *Nisi Prius* alone.

Mr. Justice FITZGERALD.—Who is to seal the bill of exceptions?

Mr. *Macdonogh.*—Allow me to place before you the authorities, and I am sure they will receive from your lordships such consideration as you may think fit. I will state the law as I found it. For a long time it was thought that a bill of exceptions would not lie in a criminal case. It is perfectly plain that in cases of felonies and murders and treasons, and others, a man was actually executed in forty-eight hours, so that there could be no inquiry at all in a bill of exceptions in that case. Afterwards it seemed to be the opinion that it might be tendered in misdemeanours:—Rex. *v.* Bishop of Coventry, 1 Leon, 5; Rex *v.* Higgins, 1 Vent., 366; Rex *v.* Nutt, 1 Barnard, 307; Rex *v.* Preston, Rep. Temp. Hard., 251, 2 Str., 1040—these are all the authorities of that character in favour of it lying in a case of misdemeanour. In the case of Rex *v.* Alleyne, Queen's Bench, December 1, 1851, this question came to be agitated—where the defendants were indicted for obtaining money by false pretences, and for a conspiracy to defraud, a bill of exceptions was tendered to the admissibility of certain documents in evidence; it was remarked by Lord Campbell (Chief Justice) that it was the first time he had ever known a bill of exceptions in a criminal case; but after hearing

arguments at Chambers his Lordship sealed the bill of exceptions, leaving the question whether it would lie to be argued in the Court of Error. But his Lordship subsequently stated that, having further considered the matter, and conferred with other judges, he was of opinion that no bill of exceptions lies in any criminal case, not even in a case of misdemeanour. The House of Lords never had the question before them.

Mr. Justice FITZGERALD.—Is there any case of a bill of exceptions being received in a trial at bar?

Mr. *Macdonogh.*—There is no case that I am aware of, and none to the contrary.

Mr. Justice FITZGERALD.—The object of a bill of exceptions is that a judge should certify to the court above under seal what is done. We are in the Court, I am afraid we must send you to the Court of Chancery for a mandamus.

Mr. *Macdonogh.*—The statute of Westminster states that if a judge before whom the bill of exceptions is tried shall not seal the bill another of his company shall. Those are the words of the statute, and that would point rather at the association of the four judges sitting together at trial at bar.

Mr. *Macdonogh.*—If, my lord, and be good enough to observe the other case which I shall submit to you, "It has been said that if a challenge, whether to the array or to the polls, be overruled without demurrer the ruling of the judge may be made the subject of a bill of exceptions"—Bac. Abr., Juries (E) 12; 8 Kin., 101; 2 Instit., 427, *sed quere*; see above and likewise Thomas Mansell *v.* the Queen; 8 Ell. and Bl., 54; Dears. and Bill., 375; and 27 L. J. (M. C.) 4. In cases of treason and felony a bill of exceptions has never been allowed, 1 St. Tr. f 938; 2 Hawk. c., 46, sect. 1; Bacon's Abr., Bill of Exceptions. In a case of felony, *In re* Hayes *v.* Rice, 3 Jones and Latouche, 568, Sir E. Sugden, Lord Chancellor of Ireland in 1846, refused a writ for a bill of exceptions, saying "that having regard to the terms of the 13th Edward the First, chapter 31, and of the Irish Act, 28 G. III., c. 31, and to the authorities that a bill of exceptions cannot be taken in a case like this, particularly Sir Harry Vane's case 2 Harg. St. Tr. 450, and Rex v. O'Donnell, 1 Hud. and Br. 439; and having regard to the circumstance that there is no authority in favour of the statute of Westminster applying to a criminal case like this, he was of opinion, on a review of all the circumstances, that the application should not be granted." I have quoted every single authority that I am aware of. I cannot say there is any in a trial at bar, and that is the state of the law as I believe. We always thought according to the decisions that used to prevail before the decision in the House of Lords in the case of Queen *v.* O'Connell that if there was one good count in the indictment the verdict would be sustained. What I say here is—it has never been decided in the House of Lords that in a misdemeanour a bill of exceptions would not lie, and although I admit its difficulties and its doubts, I respectfully submit it.

The *Attorney-General.*—My lords, the statute giving a bill of exceptions was one which dealt only with judges going of assize and sitting at *nisi prius.* This is not a trial at assizes nor at *nisi prius*, and accordingly the statute has no application whatever.

Mr. Justice FITZGERALD.—We refuse to take the bill of exceptions, and leave you and Mr. Macdonogh to go to the Chancellor.

Mr. Justice BARRY.—I anticipated that something like this might take

place, and I looked through the authorities last Friday, and I came to the conclusion that the weight of authority is against the reception of a bill of exceptions for a misdemeanour, and there is no authority at all that in a trial at bar it should be received.

Mr. *Macdonogh*.—Inasmuch as it did occur to your lordship's learned and astute mind that it might be tendered, that is my apology for tendering it.

Mr. *Macdonogh*.—May it please your lordships, I now beg leave to state what I propose to do in order that you may take it on your notes. Your lordships will remember, in opening the case, I referred to a map; it would be well to show the various districts in Ireland suffering under the infliction of Providence. If your lordships would look at that map I want to tender one witness applicable—(I have a host of witnesses)—to every clearance, dealing not with individual cases, but in bulk, dealing with one in each of these districts, which has been visited by famine.

Mr. Justice FITZGERALD.—Do you mean 1849 or 1879?

Mr. *Macdonogh*.—Ranging over the whole period, 1879 in particular.

Mr. Justice FITZGERALD.—What I alluded to was the one which accompanied the Disturbance Bill.

Mr. *Dillon* (solicitor).—There was no map.

Mr. *Macdonogh*.—This (produced) is a map of the scheduled districts to which the Disturbance Bill applies.

Mr. Justice FITZGERALD.—There is a schedule of the districts given to the Bill without that picture at all. We will have nothing to do with it. (The map was then exhibited, and suspended from the Grand Jury gallery.) Don't hang that picture there.

Mr. *Macdonogh*.—I propose, my lord, after your lordship's ruling then, to tender evidence of each district scheduled, showing in every part of the country that there were clearances and evictions ranging from the first famine, beginning in 1847, down to 1880, in it.

Mr. Justice FITZGERALD.—We must apply the same rule to that.

JOHN MURDOCH sworn by Mr. Goodman, examined by Mr. *A. M. Sullivan*.

I believe you are a native of Scotland?—Yes.

Where do you usually reside?—In Inverness.

Did you go to America in 1879?—I did.

Do you know Mr. Parnell?—I do.

One of the defendants here?—Yes.

Did you see him in America?—I did, repeatedly.

About what time did you first see him in America?——

The *Attorney-General*.—I don't see the object of this evidence.

Mr. Justice FITZGERALD.—Except to show his absence from the country during the period.

Mr. *Macdonogh*.—That he was thousands of miles away.

Mr. Justice FITZGERALD.—I can tell you the day Mr. Parnell came home. He arrived in Cork during the Cork assizes. I happened to be passing by and heard his speech.

Mr. *Sullivan*.—He went three days before Christmas.

Mr. Justice FITZGERALD.—Yes, and he returned in March.

Mr. *Sullivan* (to witness).—About what time did you first see him in America?—About the 10th January.

Did you see him at a public meeting in America?—I did, at several public meetings.

Did you see him collect money publicly at these meetings?—I did.

The *Attorney-General.*—I don't think there is any advantage in this, these are not facts stated, there is no controversy about them.

Mr. *Sullivan.*—My lord, I propose to show what Mr. Parnell was doing, that he was not conspiring.

Mr. Justice FITZGERALD.—I don't know that that was so. We will take it that he was absent in America, and whether he was attending meetings there or not appears to us irrelevant.

Mr. *Sullivan* (to witness).—You will describe to the Court what you actually saw him doing in the collection of the money?—

The *Attorney-General.*—I must object.

Mr. Justice FITZGERALD.—We consider that is wholly irrelevant, there is no question but he did collect a very large sum of money.

Mr. *Sullivan.*—I only want to prove that he actually went with his own hat and collected money.

Mr. Justice FITZGERALD.—That was very meritorious on his part, but it has nothing to do with the issue.

Mr. *Macdonogh.*—I understand your lordship to say there can be no doubt that he collected the money.

Mr. Justice FITZGERALD.—He received a large sum of money, there is no doubt of that, and that he distributed a large portion of it in aid of the distress.

Mr. *Sullivan* (to witness).—Did you also see Mr. John Dillon in America?—I did.

Mr. Justice FITZGERALD.—I suppose it will be taken as conceded that he accompanied Mr. Parnell.

Mr. *Sullivan.*—Will it likewise be taken that Mr. Dillon collected money personally for the poor of Ireland?

Mr. Justice FITZGERALD.—Certainly, take that also.

Mr. *Sullivan.*—Thank you, my lord.

Mr. *Macdonogh.*—One thing more remains, my lord—deferring of course to the ruling of the Court, I now propose to prove—it would take a considerable time calling over the Clerks of the Peace with their books, and perhaps my learned friends would have no difficulty in looking at the list, and seeing that from the year 1846, the time of the famine, down to 1880, 246,000 ejectments were brought in Ireland.

The *Attorney-General.*—It proves that in thirty-seven years there were a number of tenants who did not pay their rents. I object to this statement—it is the same question over again.

Mr. *Macdonogh.*—My learned friend, however, says they were asking for the rents. How many were the notices to quit? We say it is just as good evidence, and those matters which my learned friend gave testimony of in the House of Commons. I refer to your statement as being the best evidence any man could give.

The *Attorney-General.*—You got the benefit of that.

Mr. *Macdonogh.*—I have; your lordships will say what you think on the subject. I propose to prove a number of ejectments from the period of the first famine and the second famine down to 1880, to prove by the officers of the Court in Dublin and from the books of the Clerks of the Peace all through the country.

Mr. Justice FITZGERALD.—We have already in evidence from the Parliamentary returns that have been read that there were a large number of evictions in the years antecedent to and terminating in June,

1880. You have the full benefit of that, and I think you are entitled to assume from any speech or otherwise that evictions very largely existed in the country antecedent to, down to, and continuing in the present year; but I think we ought not to receive the evidence you now tender commencing in 1847 down to 1880.

Mr. *Macdonogh*.—After the very clear ruling of your lordships that the evictions will be taken as matters of notoriety and assuming it as you put it; being deprived of the evidence—I don't say unjustly, God forbid I should say so—but being deprived of the evidence I proposed to offer, I, with the full assent of all my friends, close the evidence of the traversers. I call on my friend, Mr. M'Laughlin, to address the jury.

Mr. Justice FITZGERALD.—Perhaps it would be well to take our twenty minutes for lunch now.

The Court then adjourned. And on resuming,

Mr. *M'Laughlin* then addressed the jury.—May it please your lordships, and gentlemen of the jury—I am one of the counsel for the defendants, but I was assigned particularly to Mr. Thomas Brennan, one of the traversers, and I propose, gentlemen of the jury, to address to you, on his behalf, a few plain and, I hope, sensible observations, if you will do me the favour of giving your attention for some little time. I propose not to abuse your indulgence, but I hope I shall leave nothing undone that I think ought to be done for the benefit of my client. Gentlemen of the jury, I have mentioned that I appear for Mr. Thomas Brennan only, but the case being one in which the Crown thought right to frame the charge in such a way as to make Mr. Brennan responsible for the acts of the thirteen other traversers, it would be impossible to deal with the case save in its general aspect. I will make use of one other introductory observation, and only one—the able and exhaustive speech delivered by our learned leader, and the no less exhaustive and able speech of my learned friend, Mr. Walker, will enable me to condense the observations I consider it necessary to address to you. Gentlemen of the jury, following the line that I have marked out for myself, I would ask your attention to the nature of the charge that is made here by the Attorney-General. The Attorney-General is the nominal prosecutor—only the nominal prosecutor—the real prosecutors are, however any one may disclaim or however high the character of the person disclaiming, a body of men of whom it shall be my duty to make honourable or dishonourable mention before I sit down. Gentlemen of the jury, this is a criminal case and the first thing to be borne in mind is that the person making the charge must prove it; it won't do simply to get up and make the charge, the charge must be proved, must be proved legally, must be proved thoroughly, it must be proved home to the satisfaction of the jury by legal, persuasive, and convincing evidence. That is the duty which the institution of the present unhappy proceeding has cast upon the Crown, and that is the duty as I respectfully submit, now, at the beginning, as I shall do with greater confidence at the end of my speech, that is the duty which they have failed, wholly and entirely failed, even partially to discharge. We are charged with conspiracy. I deny that my clients—for the purpose of convenience I may speak of them in the plural—are conspirators, and that what we have done is in any way criminal; and I think I might—if they represent those who were their clients, the farmers of Ireland, the down-trodden peasantry, the oppressed population of this land—I might appeal to you for mercy for those poor people;

but standing here for the traversers I ask your verdict humbly, respectfully, and confidently, on their behalf, not in mercy, but in justice—in justice before the law. They are charged with conspiracy, a most elastic and specious charge. Conspiracy, gentlemen of the jury, is a description of offence that has always been part of the machinery of legal tyranny. I don't mean to go farther than that general remark; but it is a very elastic class of offence, and enables a man to turn into what is a technical crime, when he indicts a number of people for a particular act, that which, if he had indicted them separately, would not be a crime at all; and in truth, the learned Attorney-General, with a fairness which is most admirable and edifying, but with a fairness most destructive of the case that he comes into Court to make, says if what was recommended to be done, and what was attempted to be done, by a number, was done by one it would not be an offence in law. The part of the case to which that applies I shall refer to as we go along. We are here to administer the law, not to administer natural justice as contradistinguished from the law. I have the honour—I hope I may not be accused of sycophancy when I say it—of addressing you under the presidency of two of the most distinguished judges who ever administered the criminal law in this or any other country, and I should badly illustrate my respect if I in any way misstated the municipal law or the legal law—if I may use the expression, although somewhat tautological. That is a distinct thing in the minds of honest men, with hearts to feel and heads to reason. That would be the law of natural justice. But, gentlemen of the jury, the distinctions which I make is not original. Before this it has been lamented from the Bench by the late Master of the Rolls in the celebrated case of O'Hea *v.* Burke, a landlord and tenant case. When a dishonest landlord, as I fearlessly call him, there attempted to confiscate, and did confiscate £500, the savings of his unfortunate tenant, the Master of the Rolls said that he was there not to administer natural justice, but that he sat on the bench to administer injustice, to administer that class of justice that had been created by the decisions of eminent judges—Lord Eldon and so forth. But, gentlemen of the jury, natural justice is not a thing that you can ignore. Now, as long as men are created as men, so long as they have the faculties and instinctive reason the Almighty God has implanted in them, so long will they have a burning love and unswerving devotion to natural justice, and I say that the law of conspiracy is clearly and unmistakably opposed to natural justice, and why? Because it makes one man responsible for the acts of another, a thing committed in his absence, an act that may have been committed, as in the present case when the Atlantic rolled between them, when he was five or six thousand miles away, although no cotemporaneous knowledge has proved the offence of which the other is guilty. Gentlemen of the jury, it has been lamented before this that in cases in which it was possible to indict one of a number of persons for a particular personal offence, the prosecuting counsel being the Attorney-General—or some other prosecutor they have thought it right to go on the same mischievous principle of conspiracy —*ex-officio*. All are put into one indictment, but one cannot be examined or give evidence for the other. One drag-net is placed over them all, and their mouths are closed. One is burthened by all the disadvantages of the other, and the speeches or acts of the other, and there is no countervailing advantage, that the other may be called on to modify the inference of the evidence given by the Crown. Now, gentlemen of the jury, it is particularly indisputable in this case, because this is a charge

of conspiracy. The Land League is described as a conspiracy. These men are described as members of the Land League, and not one single member of the Land League, which numbers many members, priests, parish priests, curates, professional men, Protestant and Catholic clergymen, and thousands upon thousands of Her Majesty's liege subjects. Not one is called to tell you what this awful and fearful thing is. That is what the Crown, I believe, are pleased to describe—in the speech of the Attorney-General—as the merciful course and the fair course taken by the Crown against the traversers. I can only say, that representing the traversers here—so far as my being counsel for Mr. Brennan does represent them—I, although an averagely grateful man, find it impossible to awaken a particle of gratitude for the extraordinary benefit which, for the purpose of convicting us, they have thought right to confer on my client. Now, gentlemen, the information prosecuted *ex-officio* by the Attorney-General, consists substantially, as I have taken the liberty of summarising it, of four parts. It is alleged that we have entered into a conspiracy with the object of impoverishing and injuring the landlords, that we entered into a conspiracy with the object of impoverishing and injuring the tenants who had taken evicted farms, and also that we entered into a conspiracy to get other people to enter into a conspiracy, and that we entered into a conspiracy to try to bring the administration of justice into contempt. That represents in a brief and popular way, quite sufficient for the purpose of my argument, the legal contents of the information as regards eighteen of the counts. There was a nineteenth count—"but rest its soul, it's dead." The circumstance of its unexpected demise; the long faces which its friends and relations in the anguish of their own private sorrow devoted to its loss, to my mind are things too sacred for a tongue like mine; but at the same time, even at the risk of trenching upon the acute sorrow which seems to have overcome the Attorney-General, whom I do not see in court, I shall take leave, when I sufficiently recover from the pain which I feel in the matter, to make honourable mention of the illustrious deceased. "To create hostility and disaffection—a feeling of hostility and ill-will between landlord and tenant." I will tell you the words that killed it. Now, gentlemen of the jury, there are three charges, but in point of fact if a man were to be called upon to put them in a word it would come to this. You know the jargon of the pleadings, I pass them by with this observation, and I make it in good faith and personal sincerity. That it was a pleading according to the popular report of perhaps the most able criminal lawyer of the Irish bar—I mean the outer bar, to allay any apprehension—because, gentlemen, it is only the outer bar that plead. Pleading in the law does not mean talking—it means writing on paper, and in order to have a pleading which will catch everyone. There is no man more skilled than my friend, my respected, my venerated friend, Mr. Molloy. I mean, gentlemen, old only as regards the continuance of our friendship, but not in any other sense, for there is no saying if I did not make that explanation what personal results might follow disastrous to myself from the incautiousness of my observation. Gentlemen of the jury, putting it properly, what does it come to? It comes to this—that we entered into a conspiracy to do what? —to induce the landlords to do right and justice to their tenants—that is the substance of the charge against us. That is a short summary of it, without reading the eighteen counts relied on by the Crown, which with the illustrious departed originally made nineteen. Read the eighteen counts, and see if the fair argument is not what I have repre-

sented to you—a conspiracy to induce the landlords to do right and justice to their tenants. For this they are prosecuted by the Attorney-General—these fourteen men. I do not stop now to make any remarks upon the observations with which the Attorney-General went into the personal history of these persons. All men are equal before the law. Mr. Parnell has been described as a gentleman of birth and position, and I have no doubt he is. Mr. Nally has been described—one does not exactly know now what to say as to how he has been described—and my learned friend has described Mr. Brennan—Mr. Parnell being first and Mr. Nally being last, and then he represented that this gentleman was a shoemaker, and so on. But all men have equal rights before the law, because in the eyes of the law all men are equal, and all men are equal before the law, whether they have land or no land, whether they are professional men or barristers, whether they are members of Parliament or persons not afflicted with the ills of that position, whether they are shoemakers or whether they are statesmen—they are before a law that is no respecter of persons—they are all equal before the law—which decides equally between men; so that I pass over altogether the observations of the Attorney-General on that. Now, gentlemen of the jury, they are prosecuted here by the law—the Attorney-General has appealed to the law, and let him be judged by the law, and the traversers as well. Now, gentlemen, I feel a little embarrassed as is natural by the circumstances of the Attorney-General having during the progress of the discussion to-day parenthetically repudiated the idea that he was acting on behalf of the Irish landlords. Gentlemen of the jury might I say, not so forgetful of our relative positions as to fall into the odious mistake of paying compliments, but I may take leave to say that no man in Court has a higher respect than I have for the Attorney-General—the Head of the Bar, the First Law Officer, humble though it be. But my learned friend will pardon me if, as being one of the counsel for the traversers, I understand his words in a Parliamentary sense. Who are the real prosecutors here? The landlords. Who have an interest here in the success of this prosecution? The landlords. Who are the bitter enemies of the traversers? The landlords. Who compelled the bringing of this prosecution? The landlords. It was brought by the Government—I say fearlessly as the fair outcome of the information that has been given to the world—it was brought by the Government, not because they, in their minds, in their belief, and in their independent judgment, thought they had a right to bring it; but because they weakly yielded to the selfish clamour of those who are at once the enemies of the tenants, and the hereditary political enemies of the Irish Government which they have now made their tool, and a body of men who have been the blind opponents, speaking as a rule, of every measure of justice and reform in this unhappy land. Now, gentlemen of the jury, we are charged as members of the Land League, there is no conspiracy for anything else; as members of the Land League we are described—all as members of that body. The case has gone on our connection with the Land League and what we have said with reference to it. Now, gentlemen, bear in mind there is no conspiracy for anything else, and bear further in mind, gentlemen of the jury, on that there is no charge of a personal character on the record—for conspiracy, or nothing—that is the question. Now, gentlemen of the jury, I may tell you now—pausing to mention something that I intended to tell you in the latter part of my observations—that even if you should be of opinion that incautious, hasty, equivocal, or even improper words were

used (because the entire case turns on words) words, words, words—and nothing else—by my client or any other member of the traversers' body—that would not help the Crown one bit, unless they prove that it is part of the conspiracy, and you must begin to prove conspiracy by showing consort and agreement between the parties. Where is there the slightest evidence of that? You may be of opinion that the speeches had better been left unsaid; you may be of opinion that terms of expression were used which in the case of these humble men, as in the case of more distinguished men, would be rectified by reflection; you may be of opinion, although I don't admit it, that even illegal expressions were used, but that does not help them one bit, but for the purpose of taking them all in the drag-net, the Attorney-General, instead of proceeding separately as men not long since were proceeded against separately—three men were separately prosecuted—has turned, for the purpose of extending the common responsibility to them all—to include them all in one *ex-officio* information in this conspiracy—a conspiracy, only a conspiracy, and nothing more; and it is as utterly free from any charge of a personal nature as anything you can conceive, as remotely as any other thing you can conceive. There is nothing personal in it. You must be of opinion, gentlemen of the jury, that there was a conspiracy, that there was an agreement to do an illegal thing, or that there was an agreement among them to do a legal thing by illegal means, with the intent, as alleged, of impoverishing the landlords and also of impoverishing the tenants who were about to take evicted farms. Various other intents are used in the pleadings, and you must hold that everything was done or spoken in pursuance of that conspiracy. You must be satisfied—this is altogether a criminal case—beyond all possibility of doubt that the Crown, who have taken the burthen of proof in this case, have proved their case and discharged that burthen. Now, gentlemen of the jury, I said at the beginning of my remarks that in reference to these speeches that have been referred to in the proceedings, that I, on the side of the traversers, would not go over them again. I would thereby to that extent abridge my observations. Now, you have had before you, gentlemen of the jury, the origin of the Land League, the meetings that were held, the objects they had in view, the resolutions that were passed, and the card of membership that was microscopically examined before you here. You have had the whole thing before you. Now, gentlemen of the jury, I do not intend to go into these documents again, but as something has been said about the card, I will just refer to it in passing. Now, as far as regards the card, on the obverse of it I see nothing in it that calls for special observation. I believe on one of the cards the expression "Down with landlordism" occurs. Well, be it so. That, as Mr. Macdonogh has pointed out, is a system, not individuals, and the objects of the League are stated on the reverse of the card—to be, to put an end to rack-renting and evictions and landed oppression first; secondly, to effect such a radical change in the landlord system of Ireland as would put it in the power of every holder or tenant farmer to become the owner on fair terms of the land he tills. And, gentlemen of the jury, the means proposed to effect these objects have been examined on both sides, and I fearlessly say, if you take the document into your box—if it be necessary to retire in this case—you won't be able to find anything illegal either in the objects or the means by which those objects are sought to be obtained. Now, gentlemen, I hope you will excuse me if I remind you that I am reasoning this case with you in accordance with the principle I started with, and of dealing

with you as plain, sensible men, addressed by a man who has no claim to any higher distinction. Now, translated into language a little more copious, what were those objects? Was there anything wrong in them? Was it anything wrong to try to put a stop to rack renting—a system that crushes the life blood out of the people—a system which renders them unable to pay rent, and which consequently leads to their eviction under circumstances that do not entitle them to any claim for compensation. In other words, by increasing the rent from time to time this effect is produced—that the Land Act of 1870 is utterly nullified. The object the League had in view was to save the people, to clothe them, feed them, and secure them in their holdings, and to prevent a recurrence of famine and death—to rescue them from the operation of the causes which brought about eviction and death. Gentlemen, I take leave to say that this was a perfectly legitimate, not to say laudable object. Now, I am not one of those—I do not wish to speak of myself personally—but I am not one who ever did indulge in the indiscriminate abuse of landlords. There are good and there are bad landlords—that has been said at meetings over and over again—but as far as I can judge from the information that has come to me in the progress of this case, I would say that in places like Mayo and Galway—wild places where there is nobody but the bad landlord, or what is worse the agent, and a poor unintelligent and powerless people—that the bad landlords seem to be the rule, and the good landlords the exception. Have the landlords in Ireland done their duty? If you examine the pages of history, if you examine the testimony of Royal Commissions, if you examine the writings of the greatest philosophers who ever gave the benefit of their wisdom to the community in which they moved—if you examine the Parliamentary speeches from the Prime Minister down, you will find that the whole forms one gigantic mass of powerful evidence against the Irish landlords, that they have failed in their duty, and that this island which could support three times its population is visited by periodical famines, and that when any famine occurs the tenant is utterly powerless in face of it. He is living from hand to mouth, he can barely wrest from the soil what pays the rent and keeps him alive. Is that a right state of things? Would not he be a benefactor to his race who would alter it? And what more does the Land League seek to do? Gentlemen of the jury, I do not intend to go into any lengthy quotations on that point. The position of the country proves it. His lordship was pleased to say that several matters are of such a notorious character that it was not necessary to prove them in the regular way. Now, is not this notorious—that the land has been rack-rented? And I have statistics here to prove from the evidence given here—the evidence given in this case—speeches that we proved in cross-examination on the part of the traversers, that clearances most inhuman were made by estate rules and personal tyranny and personal misconduct, and that the most crushing tyranny was exercised by landlords against their tenants, and that instead of having done anything to benefit the tenants they actually did everything to destroy them that was compatible with having them as rent paying machines. Gentlemen of the jury, there was no security prior to the Land Act of 1870. There was no security. This is what happened as you have already heard. The tenant goes into a waste piece of land, it may be heather, it may be rock, it may be mountain, and he and his family work night and day on it for the reclamation of it, and he turns it into good land. He is able to raise crops upon it; but there have been thousands and millions

of instances in which the very moment, by his labour and toil, by his exertion, by his sweat, by his exertions night and day, by the sacrifice almost of his children, putting them to work before they were hardly able to walk—the moment he has made that productive, the rent has been raised to perhaps ten times the amount. He has been punished by the penalty imposed upon him for his own industry, thrift, frugality, and exertion. That was the law. That was the law of which the Master of the Rolls said that he was obliged to sit on the bench, and administer injustice. That was the law which Lord Clarendon, at one time Lord Lieutenant of Ireland, very properly described as "felonious landlordism." Gentlemen, now I am practically dealing with the landlord system of Ireland, considered apart from the North of Ireland altogether, because the circumstances there were different. The tenants and landlords there were to a great extent of the same religious belief and political feeling, at least if the tenants were not they pretended to be so at the time of the general election, and another thing about it was—whether it is an advantage or not I do not know —that they came over together, and they had a strong military spirit. There was a wholesome mutual respect for that spirit in the minds of the Ulster landlords. Gentlemen of the jury, as regards the rest of the country, the tenants were at the mercy of the landlords. Now, gentlemen of the jury, I think it germane to the present issue to call your attention to this, that land was a necessity for the people, for they had no other means of living. If you take the land from them, gentlemen of the jury, their means of life is gone. Eviction means sentence of death, and rack-renting means, in the long run, eviction; and eviction for non-payment of rent means eviction without compensation. Is not that a roundabout way of starving the people? Is not that a roundabout way of destroying these people? Is not that a roundabout way of starving these people? What does he live on? If you take the land you take his life, for, as Shakespeare puts it into the mouth of one of his least admirable characters—

> "You take my life, when you do take
> The means whereby I live."

I was reading a speech not long since of a member of the present Government, and I will read, with the permission of your lordships, a passage from it, because it expresses in language transcendently superior to mine the same melancholy truth. Gentlemen of the jury, there was no option on the part of the tenant—we must take the land or die. Mr. Bright says—"On the other side there are more than 500,000 tenants. There is a great fact—500,000 families, being at least from 2,500,000 to 3,000,000 of persons, dependent upon the soil, competing with each other for the possession of a farm, having no variety of occupation as there is in England, having one way and that only—the way out of the country—to escape from the difficulties in which they find themselves. These 500,000 tenants are living, as they allege, for the most part in a condition of continual insecurity; the rent may be raised half a crown an acre this year and another half crown next. If the farm passes from the father to the son, or from the widow to the son, or from a farmer to his brother, or to another farmer of new family, there is an occasion where it is easy to propose some addition to the rent. The addition may not be so large as to shock the farmer and to drive him to cease from any attempt to enter upon the farm. By little and little rent is added; the irritation of the tenant becomes greater and greater; he sees the end to which he is being driven; he cannot live upon the farm and he must give it up, and

he must find himself homeless in his own country, and thus there has grown up in Ireland, and of course the most in the poorest districts, an irritation and discontent which is the notorious and the universal material on which social or political insurrections are generally based. Now we must not forget that in Ireland men who hold the land hold the homes and the lives of the people." And so they do. They hold the lives of the people. Gentlemen of the jury, is he alone in that; is he alone in that testimony? It is not new. Is there any man in this court that has any doubt about it? Gentlemen of the jury, I do not stop to recite quotations that have been given from the speeches of the present Prime Minister, because in point of fact it would be producing proof to show that which was already self-evident. There are no manufactures. Man lives by the land. If you take the land from him, it is a sentence of death. This is the state of things which the Land League was anxious to remedy. Was there not a necessity for some organization—some organization on behalf of the tenants? And such an organization was supplied by the Land League. Gentlemen of the jury, the history of the Land League has been sketched at some length by my learned friends who have preceded me and following the principle to which I have already adverted, I do not intend to repeat what they have said. With reference to the formation of the League, it may be mentioned that there was in this country a Central Tenants' Defence Association in Dublin, and that Central Tenants' Defence Association was amplified into the Land League, and somewhere in the month of October, 1879, it organized itself in the way that has been already explained—held meetings, issued cards, laid down principles, passed rules, and issued an address to the Irish people. That address was read by my learned friends. There is not one word in it that I do not fearlessly stand over as true. There is not one word that I do not stand fearlessly over as legal; there is not one word of it that I do not fearlessly stand over as a credit to the consciences, the heads, and the minds of the honourable men whose names are appended to it, and I challenge my learned friend, Sergeant Heron, who comes after me, to point out in what respect the contents of that document does not come within my description. Where, I want to know—where the illegality lies in the original inception of the League. Where was the conspiracy—where, I want to know? You know it won't do for us to be reasoning in a circle. Can it be said that because there were meetings and speeches there was a conspiracy. If there was a conspiracy, prove it?—because that indicates—that is the key to the false logic that has governed the reasoning of my learned friend. They began with the speeches. They did not take the meetings, and say—"I'll show you that in the original constitution of the Land League there is something wrong and something illegal." Nor do they show an agreement and concert to do what is illegal, and to do what is illegal by illegal means. No witness is called. They go on for months and months and months, and by the production of every class of reporters under the sun, gentlemen from London, gentlemen from the neighbourhood of London, highly accomplished; from Roundstone or somewhere in the county Galway; a perfect bevy of stenographists issuing from the back gate of the Park, in the neighbourhood of the Zoological Gardens; all these things they call the machinery to establish proof of the existence of this foul and deadly conspiracy. Talk, talk, talk. Lawyers are charged with doing a good deal in that article, and I suppose they can do it; but they could not hold a candle to the League, as they are reported by these police and other reporters. But, gentlemen of the jury, I tell you

this fearlessly that if the objects of the League were legal (and no one says they were not), and if the means, rightly sketched out and proved in the programme, were legal (and I challenge anyone to say they were not legal), when did it become a conspiracy? We have the speeches of Mr. Nally, a man of great profundity and knowledge, philosophical as well as otherwise, a man of Spartan self-denial—although you would not think it—a man of Imperial views, substantial business ideas about the finances, amongst which were involuntary contributions as to the funds. A Land Leaguer he is not; a farmer he is not; but a countryman he is, and a statesman his whole life shows that he is. He is a man who has discovered truths of science that have been concealed from the eyes of ordinary people. He said, "Many a good son rears a bad father." Now, I happen to have been born in that part of the country where fathers were generally born first, and the sons followed at decent intervals after the fathers. That is what would naturally follow to make logic of this man's speeches. They are absurd nonsense—I hope he will excuse me if he is here—and are expressions like "blasted scoundrel" to be used against Mr. Brennan, against Mr. Parnell, against Mr. Sullivan, who is a poet, a statesman and orator—against a man like Mr. Biggar, with a strong northern head—and there are some strong northern heads—against Mr. Sexton, a professional writer. All these men are said to be parties to the un-excised ravings of Mr. Nally. That is a specimen of the way in which the fair law of conspiracy is to be used against Mr. Parnell, who was in America at the time, who travelled six thousand miles, and visited sixty-two cities, and who, to his eternal honour be it said, went round like a mendicant, hat in hand, and collected greenbacks, and dollars, and diamonds just as a man in a railway station waiting the arrival of a train when he sees a poor woman with a lot of hungry children, goes around and collects a few shillings from them. I say that I can understand that to be a thing to raise him in the estimation of everyone. It may be that some one may view it in a ridiculous aspect; but I cannot see it; I am too dull for that. I say it is an illustration of the spirit of Christian charity, an act promoted by the acutest feeling for the suffering of his fellow-countrymen. I take it to be an act which, whatever you think with respect to the rest of this case, rebounds to his imperishable and immortal honour. Gentlemen of the jury, when did this become a conspiracy? Are the people connected with it, like witnesses in the box to be characterised as a lot of perjurers. There is no evidence of the alleged concert. None. There is evidence which shows it to be perfectly legal in the means, and in the end to be achieved by the means. When then did it become a conspiracy? Well now I invite your attention to that. This case must be proved. It won't do to say that it was a conspiracy. Here there were meetings; here there was a league, as there was a Corn Law League; here there was an association, as there was a Catholic Association; here there was an Association, as there was a Repeal Association; here there were a number of men assembled together for the reformation of political abuses that struck at the very vitality of the land, and it is rather a summary thing that when the landlords act, and when they who have done a little at conspiracy themselves, as I shall point out to you, are anxious to crush these men, who stand between them and their victims, who prevent the full fruition of the evictions, that increase in number as the condition of the country gives the landlords an opportunity of robbing them, they should be charged with conspiracy. I want it to be pointed out what

more did the Land League do than that. Why could it be called a conspiracy? Now, gentlemen of the jury, I have already told you that if the origin of the League being beyond dispute, legal, if its objects being, as I submit to you they are, legal (and indeed it is not contested), if the ends by which its objects be attained are legal (and it is hardly denied), how do the speeches of Mr. Nally and, it may be, Mr. Boyton, or any one else, prove conspiracy or show an agreement with regard to the intent? There may have been a little ill-considered language, and no one can deny it, and that will always be the case, and there will always be such, so long as men are as they are. It takes a great deal of practice to enable men to stand up upon their legs, and speak with a correct and delicate shade of meaning. These men in the Land League felt strongly; they were very much in earnest; their patriotism was sincere; they had no selfish object to gain; it was not, as it is in many cases, a mere desire to be fed out of the pockets of the people; it was not a cloak under which to mask the object of professional advancement; they were working for people who could not reward them except by their blessings and their prayers. Where is the conspiracy? Where is the concert? There is none. Where is the proof? There is none. I do not mind the hasty expressions of Mr. Nally. I hope no one will be offended with me for reproducing his expressions in the undiluted strength—twenty-five over proof. I think he calls Lord Randolph Churchill a "blasted scoundrel." I know he calls him Churchill. I believe he calls him the "Woodstock wasp," and in so doing he sins in good company. One right hon. gentleman went further, and being of a sporting character, called him the member for Woodcock the other day. My opinion of it is this, that the real secret between them is that they are very like each other. I have been trying to see it, and I think there is personal vanity in the matter. They are rival orators, they are rival statesmen, and they are rival politicians. Nally does not like Lord Randolph, and although I am not in the confidence of the noble lord—and I would not wish to be in his confidence—I do not think Lord Randolph likes Nally. But mind this—it is by ridicule we see where the truth is—all this is used as evidence, save the mark, to prove conspiracy, with respect to which there is no legal proof. Gentlemen of the jury, I told you before this is a criminal case, and when the landlords themselves hounded on the Government, and the Government having weakly yielded to them, I would say a good Government which, not only its law officers, but its Prime Minister, have proved themselves to be before by their opposition to these very landlords—when I say they were weak enough to yield to the outcry and clamour of their political enemies, you cannot expect men to shut their eyes to the fact; because there were some things so obvious that they cannot get anything else than a Parliamentary denial. They say there is a conspiracy about the land. They say it is not right to make admissions on criminal cases, but I think there was a conspiracy. I say there was a conspiracy by the landlords, and the landlord conspiracy has come down to the present time, and the outcome of the landlord conspiracy are these prosecutions. Did the landlords not agree amongst themselves to impose rack-rents, three times raised since the year 1847. Did they not agree amongst themselves to impose estate rules that absolutely tried to crush the human nature out of the people; that a man had to drive from his house his own child, and when the people presumed to give her a night's lodging, as was proved here, then he was fined £3 and a month's rent. That his own flesh and blood must be ignored; that if a man was evicted and

comes to his brother, his brother is destroyed for harbouring him because he listened to the voice of nature and had not steeled his heart like the landlord. Has not there been a conspiracy between adjoining landlords? When once a man was driven from his rack-rented holding, and when the landlord of it or the agent has put his thumb upon him the landlord won't allow him on his property. When a man is handed each day from one to another his only security is to run to the nearest emigration office, or if he is not fit for that, go straight to the portals of the workhouse. These are the men who have been in conspiracy with reference to Irish land. Who will deny it? The thing has become common, and men overlook it. But the common sense of the people won't prevent them from seeing it now. These landlords possess the land which was the life and vitality of the people, and they have a monopoly of a conspiracy to keep their tenants in such a condition that they could hardly call their souls their own. You heard in the speech of my friend, Mr. Walker—I do not pretend to be more sensitive than other men, but I could not hear without emotion, notwithstanding the training that comes to us, the terrible story that my learned friend, with such power and feeling, told—of how that even the man's daughter, a married woman, came to his house on the eve of her confinement and in her agony, that the father from whose loins she was born was obliged to drive her out, and nature, more merciful than the landlord, supplied a cave in which the poor woman, in her loneliness and agony, brought forth her infant. In a Christian country can these things happen? They have, over and over again. How many things of that class have been mentioned? Is not the human nature of the tenant ignored—his right to justice ignored—himself ignored, except as a rent-paying machine?—and yet these men are now, through the mouth of the public prosecutor, presuming to talk about conspiracy, and telling fourteen honest men, as good in the sight of God as they are, that they are conspirators, that they are criminals before the law, and that they deserve the fate of malefactors. There may be conspiracy, but not with us. It is not with us to evict tenants, to make whole clearances of them, and not to allow them to come back. Well, gentlemen, it is right to say that even if the landlords entered into a conspiracy, that would be no reason why we should enter into a conspiracy also. Two wrongs do not make a right. But, at all events, it is important to bear in mind that there was a necessity for the Land League. In fact, the organization of which the Land League consisted was necessary to save the people. It was a strictly self-defensive organization, an organization against the landlords who had taken advantage of the dire distress of 1877, the greater distress of 1878, and the distress of 1879, the direst distress of all, to evict the tenants, and to nullify the beneficial advantages of the Land Act of 1870, and to expel them from the homes in which they had been born—homes built in some cases by their own hands, and by their fathers and mothers—to rob them of the money that they were entitled to receive as compensation. Was bloodshed or violence suggested by the Land League? No. Numberless cases can be cited where the strictest condemnation was used against outrage, and, I need hardly say, against murder. Gentlemen, the position of these gentlemen was very melancholy. They were living in a constant state of semi-starvation. They had nothing saved for the evil day. How could they? Their lands were rackrented; they were unable to pay their rent. By the 9th section of the Act of 1870, when a man was evicted for the non-payment of rent, there can be no compensation given for disturbance, save in certain modi-

fications to which it is not necessary now to advert here. The landlords utilised every opportunity from 1877, when the average number of evictions was 503. These evictions increased (I am now speaking from recollection) to 748 in 1878, to 1,098 in 1879; and what happened in the first half year of 1880? I'll come to it presently. Was there a necessity for the action of the Land League? But there was worse—that was not all. The land has not yielded its fruit—the potato crop had failed—the staff of life had been struck from their grasp—famine, death, and everything springing from famine, with all its horrors, was almost visible on the horizon. There was no hope. The figures referred to during the discussion showed that some ten or fifteen millions had been lost to the people during those three years, and that in the distressed districts the failure of the potato represented an amount equal to the entire extent of their valuation. The landlords went on. As time became harder, evictions got more plentiful, and the landlords were taking up the land without compensation. Was that a time for the Land League to act? Famine was approaching, and is there any one in this court who lived in '46 or '47, or who read the account given of this horrible time, could fail to shudder with apprehension when it was felt that the advent of a similar visitation was at hand? I remember the time myself, I am sorry to say, though living in a portion of Ireland that was very little afflicted. I was reading a few days ago the narrative by a clergyman named O'Rorke of the Irish famine of '46 and '47, and I can say that I had to close the book in horror, though tolerably well steeled against these things. Nothing so horrible or frightful could be conceived—men dying with hunger, their children wasting away before their eyes, their widows dying in their arms, and the infant dying at its mother's breast when it had ceased to grant it the natural sustenance; the living and the dead lying together; two or three little children trying to roll to a hole that they had scratched in the garden the body of their father; men who had been strong men, bread-winners, crawling and creeping to the gate of the workhouse to escape the commonest burial; people making straw coffins; men dying like rotten sheep in tens of thousands and hundreds of thousands. And this terrible famine was once again at our doors—like causes produce like results. In the words of the great speaker whose name I have already mentioned—"The Angel of Death was approaching, and one could almost hear the beating of his wings." Famine, black famine, was impending over the land; but what did the Land League do? Mr. Parnell and Mr. Dillon crossed the Atlantic as national mendicants, begging their way from town to town, even addressed Congress—Mr. Parnell did—got grants, raised money, opened the flood gates of American benevolence, and £30,000 was the result of their individual exertions. Well, I call that a laudable thing. And they are getting their reward, which shows the manner—I say it without profanity—in which rewards and punishments are occasionally distributed in this world. Now, mind you, it would not do to be always going a begging; it would not do to be always going to America, because the Americans would get tired; and so they began to consider whether it would not be possible to get a reformation of the land laws, to strike at the root of the evil. As far as regards the landlords, one can ask, speaking generally, honestly, and fairly, and without any great consumption of language, what did they do? Nothing; except this, that they forwarded letters to the Chief Secretary, passed resolutions at boards of guardians, where the *ex-officio* members were pretty generally prevalent, that there was no distress in the land at all. In point of fact they denied it as long as they could. The

Land League endeavoured to bring food, clothing, and seed to the people, and it has been eloquently said in a quotation by the gentleman, whose name I have already mentioned, that when they went to America, and went amongst the Irish, either these who had left this country themselves, or those of Irish descent the flame of nationality kindled in their bosom, their strong sympathy leaped forth from their hearts, and every word spoken by Mr. Parnell was turned into gold, and sent to the Irish people that they might buy and sow seed in the spring time, and reap of the fruits in the harvest time. He is getting his reward now. I am glad he is not here now to listen to me. Is that evidence that there was a conspiracy? I say it is as good evidence as the rubbish they have brought here. As a proof of conspiracy they give us floods of talk. Gentlemen of the jury it was plain this could not go on for ever—it was plain that something should be done to do away with the evil, and for that purpose this agitation, represented by those meetings, was set afoot—and were those meetings against the law? They wanted to prevent destitution—they wanted to prevent a recurrence of famine. I am speaking now of the season of 1880 when we had an abundant harvest. The Land League had procured the people the means of seeding their land—if I may be allowed the expression, and nature smiled on their exertions. The people had barely escaped from famine, and they wished to prevent a recurrence of the dreadful scenes of '46. Was that against the law?

And, after all, men who are starving have very strong feeling. And what was there to prevent a repetition of the starvation of 1846–'48? It was mitigated, though not entirely arrested, through the mercy of the Land League—for that purpose the agitation of 1880 was first engaged in. That is not like what we have been accustomed to hear of conspiracy—something done in the dark. I am not here as a lawyer to say that that is a necessary incident of conspiracy in the estimation of the law; but at the same time we must deal with it in a popular way before a popular tribunal. Would it occur to any of you, if you had read of this, that it was a conspiracy? What wrong did they do? By what wrong means did they act? Whatever they did, they did in the light of day and above board; that is not a characteristic of conspiracy. The Attorney-General said if the traversers themselves—if A or B does a thing, that is perfectly innocent; but if he advises another man or two other men, to do the same thing, an act that was innocent in A becomes, when C and D were advised to do it, a crime in C and D and a crime in A also. That is a conspiracy. These are the nice distinctions with which the Attorney-General, representing quite involuntary, I am sure, the landlord class, calls an offence before a quick-witted jury. The people were living in a state of chronic misery—they were always on the brink of famine and hunger and death. We were prohibited from giving evidence as to the scenes in the famine of '46, but in the face of all that occurred then—alas! but too well known—what did the landlords do when another famine was impending? They attempted to exact their rent. Rent was what they wanted—the poor people might take their chance. Gentlemen of the jury, after all, this must be said—that the people were not destitute, utterly destitute, of common sense. They had been on the brink of starvation, some of them had felt what it was—many thousands had felt what it was. Were they then to give the whole harvest to the landlord for his accumulated rents? Were they to allow the landlord to gobble up the whole harvest of 1880. with the chance of starvation staring them in the face? I

am not here to justify every word that was used—far from it. If you had fourteen men of the highest education and training, suppose that those men made speeches here and there, that they, having strong sympathies with the tenants, so spoke, why, if you took the fourteen sets of speeches and put them together at the end of the time—I do not care if they were all Prime Ministers—you would find slips in them. You will see that every day; all men of the world know that what I say is the case. I am not here to defend incautious expressions, expressions that were improper and in bad taste; but I am here to say that it does not prove a conspiracy, and at the same time I am not insensible of the truth—the oratorical merit and the great truth of many things that were said. One of the traversers, Mr. Sheridan, I think, told that they should hold the harvest else mothers would have to go with their cradles to be rocked by workhouse nurses. That came home to the minds of many. The landlords forgot not only the laws of nature, but they acted against the common law, and against the municipal law of some countries, which declared that rents are not exacted at a time when the crops are rotting in the ground. If the crops fail, the crops that give the rent, the rent cannot be paid. The rents cannot spring out of the non-existing crops. That is natural law—natural justice, and it has been stated by Lord Selborne to be the law of some European countries. However, we are here administering the English law alone. Gentlemen of the jury, a reformation of the land laws was important. We are charged with refusing to pay what is called well—contract rents. "Contract rents" is a very ready turn of expression. A contract is defined by law to be an agreement between two or more persons for a valuable consideration to do or abstain from doing a particular thing. I think that is the most alphabetical definition of a contract, and it is a sound definition. But they are pleased to call these contract rents, while Lord Normanby said in the House of Lords years ago—"In Ireland the landlord has a power of enforcing his bargains that does not exist anywhere else—the power of starvation." The landlord does everything—the tenant contracts with him, and that is—freedom of contract! I am not here to say that, even in the case of a man entering into a contract with his eyes open, there are no circumstances that will nullify that; but if duress or force be used, it is void. Was not there duress and force in the atmosphere when these contracts were made—was not the very life of the tenant under the control of the landlord when he wielded that dreadful power of starvation. Is that my argument only? I told you that I would not trouble you with many questions, nor shall I to any extent; but I will just read you a passage, which I think may be of general interest and of some bearing on the case—"We are compelled to admit that, of late years especially, there may have sprung up in certain cases contracts for rent in Ireland of a character most extravagant—which it is totally impossible for the tenant to pay, and at the same time to live upon his holding." Who says that? Mr. Gladstone, whose first law officer in Ireland is my learned friend the Attorney-General. It was utterly impossible for the tenant to pay the amount of rent and live upon the land —"but under the pressure of deadly necessity—which precludes, impairs, and in some cases destroys freedom of contract on the part of Irish occupiers, they have been compelled, as a mere question of dear life, to enter into agreements which they cannot fulfil with any justice to themselves," and it was to compel this the landlords entered into these contracts—by means of evictions. Now, gentlemen of the jury, I am glad to say that a short time more will represent the limit of the enlargement of the indulgence you are kindly extending to me. It is a mistake to talk of freedom of contract in this case.

Do let me call your attention to a word, and only a word, as to the condition of the peasant prior to the passing of the Land Act. He was utterly and absolutely at the mercy of the landlord. If the tenant expended £1,000 on his holding, for which he paid £10 a year, the landlord could come in and take the holding for non-payment of rent, and would obtain all the aid of the *posse comitatus* in effecting his execution —in enabling one man to despoil another. But if he had £1,000 in the bank, and if it was necessary, all the forces by sea and land would be put into action to preserve his right to that £1,000. On the other hand, as I have said, if he put the money into the land, at the time of the unreformed land law, every power would be used on the part of the landlord to despoil him, and the landlord would snap his fingers at the tenant. There have been frequent attempts, since 1845 and up to 1870, to rectify that monstrous, that hideous injustice, which requires only to be stated to excite the horror and strong disapproval of every honest man. But though frequent attempts were made, from 1845 down to 1868, they were always opposed, and if the bill ever got through its preliminary stages in the House of Commons, then the House of Lords—which is another way of saying the House of Landlords—quickly stamped it out. All efforts to mitigate the Land Laws, from those of Sharman Crawford down to those of Gladstone in 1870, were insufficient to awaken the landlords to a sense of justice and right. However, Gladstone's bill of 1870 was passed, and for the first time the tenant was entitled to compensation; but the tenant was entitled to compensation with a nullifying clause in section nine, that if evicted for nonpayment of rent he should be in the same position as if the act did not pass. That was the effect of it in the words of that section. What is the man to do in times of distress? Is it not notorious that 1878 was a time of distress—that 1879 was a time of dire and dreadful distress. The landlords go on with evictions, taking up the land and dealing with the tenant as if the Land Act did not pass. Was not the Land League justified in making an effort to rectify that state of things? They have done more, gentlemen of the jury. There was not a fanciful apprehension of the coming evils then. Evictions were increasing. They had the evidence of Lord Hartington, of Mr. Forster, and of other statesmen—living statesmen innumerable, that the people could not pay rent. It was impossible they could; you might as well ask them to pay the National Debt. They could not live without food. They were merging from a state of semi-starvation to famine; and what could they do? They could not pay rent—that was the concurrent testimony of those great men. Gentlemen of the jury, so notorious did that become that the Government, last summer, introduced a temporary measure which is commonly called the Disturbance Bill. I think, since the world began, there never was a more harmless or charitable measure. The tenant could not pay. He could go a great way towards starving —long practice had made him a proficient in doing without food. He could starve, but as to paying rent he might as well be asked to pay the National Debt. All the landlords could do was to bring ejectments for nonpayment of rent. The tenant had no defence, and the Land Act, speaking metaphorically, laughed at him; it did him no good, because he was evicted for a thing which the law, by the 9th section of the statute, says is not disturbance. Gentlemen of the jury, this Act of Parliament having reference to distress in different parts of Ireland—you saw the map of Ireland with black predominating showing the venue of local hunger, local famine from failure of crops —it recites "Having regard to the distress existing in different parts

of Ireland, it is expedient to make temporary provision with respect to the compensation of tenants for disturbance by ejectment for nonpayment of rent." Temporary provision! What was the provision? Was it that the landlord might not evict the man? Was it that he could not recover his land, if the tenant found it impossible to live on it? Was it that he could not take up the lands of the farm and turn them into a large grazing farm? Not at all. If the chairman's opinion was that the man's inability to pay arose from the existing distress he could disregard the 9th section and award him compensation, deducting the rent. It was only to be temporary in its operation. It was only to be confined to a certain portion of the country, and even another provision, to which my friend Mr. Macdonogh has called my attention, puts upon the tenant the burden of showing, that he (the tenant), is willing to continue in occupation of his holding upon just and reasonable terms. Upon that it was shown, with a clearness that I could not hope to rival, by the highest man in the State, that there was an awful unavoidable necessity for that remedial measure—that the people could not pay his rent. The Right Hon. Mr. Forster, now Chief-Secretary, as he was then, on the 25th June, last year, says in the debate on the Disturbance Bill—"I want to ask the House to consider who are these small tenants with whom we have to deal. First, they are men unable to pay the rent, or else the court would not consider the claim; secondly, it is the circumstance of the time—the distress of the year, and the failure of the harvest—that have made them thus unable; thirdly, they are willing to pay the rent if the landlord would give them reasonable terms in reduction or time; and lastly, the landlord will not give them these reasonable terms. It is only under these conditions that the tenants can get compensation from the court." Now, gentlemen of the jury, I do not stop to multiply instances because I promised not to do it, of the testimony borne in the course of that debate to the necessity for the Bill. It passed the House of Commons. The landlords entered into a conspiracy—I do not pretend to be a pleader of the eminence of my learned friend or indeed of any eminence at all, but I could construct a bill of indictment against the landlords for rejecting the Disturbance Bill, and for their conduct with reference to their mode of dealing with the tenants, for their conduct with reference to the dire necessities of the tenants if evicted without compensation. Take away their little holdings, Mr. Forster said, and nothing is left for them but the workhouse. Some people talk of emigration, but the horrors of that were too great. As one of the speakers eloquently pointed out, it was one thing for a man to leave his home voluntarily, but when a man has to leave it by the pressure of circumstances, engendered by the want of heart and the tyranny of another it is quite different. That is not emigration—that is a penalty. That is punishing a man for misfortune which comes from the hand of Providence, except so far as it comes through the landlords. The Bill went to the House of Lords—that august assembly of which every person is bound to speak with respect, especially a barrister—it being the ultimate court of appeal. But that assembly is composed of lords having very little popular sympathy. They do not know much about being hungry; they know little about the people who are hungry; they know little of the self-denial of the poor; they would hardly acknowledge there is any virtue among the down-trodden poor; but God's poor still lives; God's peasant still lives, and tries to discharge his duty. He loves his family, and tries to feed them. It was mentioned here by some of my friends that the House of Lords assembled in its might; peers came up that had not been there for nearly forty years; and to use

language not in any Act of Parliament, they kicked it out—a Bill that had been described by Her Majesty's Minister in the Lower House as indispensable to the lives of the people. Indispensable to their lives were their farms, because their farms supplied the means of life. And these are the men who say the traversers ought to be prosecuted for this conspiracy. Gentlemen of the jury, the *modus operandi* is very easy in this case. The man's rent is increased. He gets into arrear. He cannot pay it. He has no answer to an ejectment. Judgment is got. The sheriff goes down and turns him out. I do not stop to glance at the instances referred to in the speeches. I do not speak of the heart-rending instances we could have given had their lordships not the right to rule the evidence out. I may say, in passing, that it may be legal—and I am bound, with profound respect, to say that it is at present; but I say, with that profound respect, this is a very queer way of dealing with a great case in this great prosecution concerning the Irish landlords and the Irish people, to give technical evidence of speeches on a most technical charge of conspiracy and shut out all evidence as to the condition of the people. There is a carefully prepared indictment, the sting being in the tail of it. I shall not refer to the nineteenth count—the *omnibus* count—for the purpose of exciting ill will among her Majesty's subjects. "If we do not catch them on the other eighteen we will catch them on that." That was the count relied upon. "Now, if they remove all the other ones about impoverishing the landlord, and doing this, that, and the other, this will catch them all." My learned friend, Mr. Macdonogh, falling back upon his veteran experience and unconquerable courage, directed the bringing up of men from all parts of Ireland, the victims of oppression, the men who have been driven from their homes, who have seen their wives and children die by the roadside in the frost and snow—delicate women, struggling children—and who have seen the minister of God with trembling hands and streaming eyes administering the last rites of the church to the evicted men or the evicted women who died in a few hours after expulsion from the home of their fathers. We wanted to show realistically what happened, and we were shut out from that evidence deliberately by my learned friends, perhaps the most powerful body of counsel that ever appeared to sustain a State Prosecution since the days of O'Connell's trial. They deliberately made up their mind that sooner than go into the dark record of Irish landlordism, of the system to be proved by the leading witnesses coming from the hospitable regions of the workhouse, the men who have got the stamp of the infamy of the system upon them—they cast overboard their pet paragraph of the indictment, and they say, "No, no! we will have none of that; we won't go into that," "It will never end," somebody says. I do not believe that. I think it would end. Besides, I am not one of those people that care about hurrying the defence of a number of people unjustly accused by a public officer, who has been dragged into the prosecution by the clamour of a body of men.

The *Attorney-General.*—I must beg leave to protest against this language. I am here in the discharge of my duty.

Mr. *M'Laughlin.*—I am here in the discharge of mine, too; and I am sure the learned Attorney will discharge his duty, and discharge it fearlessly; but we all know that when a man gets into a prosecution, whether it is for the prosecution or for the defence, he will go through with it, and so will I. Gentlemen of the jury, I will say it again—it is not pleasant between you and myself—we have heard of it. I don't pretend there is any idea of originality about it—we will assume it is a prosecution

by the Government pure and simple. But what are they doing? They are running directly counter to the very course they took on the Compensation for Disturbance Bill. They must argue in direct antagonism to the doctrines there laid down. I leave them on the horns of a dilemma—let them take whichever horn they like. There are not many landlords listening to the case. We cannot give evidence of evictions—we cannot give evidence of clearances—we cannot give evidence of the rack-renting. But Mr. Justice Fitzgerald was pleased to say, with that fairness and manliness which are his judicial characteristics—and if I did not believe it I would not say it in his presence—that he would not shut his eyes to what are notorious facts. He will take cognizance, and will allow you to take cognizance, of matters of history—of abuses admittedly prevailing—to a certain extent, it may be—to a large extent, you will say. We were dealing with the case in that way, but the evidence was shut out. We ought not in this case shut out the character of these charges—I call them charges—by the landlord against the tenants. Now, let us take some instances of raising of rents. Take for example the speech of the Rev. Mr. Coyne, which was proved in evidence. Don't be afraid, gentlemen, I will only read five or six lines of it. In 1870, on the Moycullen property, in the Co. Galway, we have an example. The rent was £57 7*s.* then for one holding. In 1880, after having passed through that dreadful time, the £57 had amounted to £140 by rack-renting. I would like to have the learned Sergeant cross-examine these figures. That is only a specimen of what we could prove. Take another holding. £57 on another holding was raised to £133; £28 10*s.* became £65; £28 7*s.* 5*d.* became £62; £48 10*s.* became within £1 10*s.* of £100, namely £98 10*s.* The same principle would apply to smaller holdings—men battling desperately with life. This is proof, as Mr. Bright said, of 2*s.* 6*d.* increase this year, 2*s.* 6*d.* the next year, and in a short time, surely as the avalanche rises and runs with destructive force against the body which it meets, so surely will the landlord increase the rent till it crushes and destroys the unfortunate tenant and his family. Then there was Mrs. O'Connor's evictions: Mr. M. M. O'Sullivan said—"I have seen a poor woman and eight children driven from the house, put out on the road. What should be the verdict in that case? In my opinion it should be 'guilty against the landlord.'" I am not going to give an opinion on the subject, but if forced to give an opinion I am not sure that he was not right. That is not the worst of it. It was bad enough to drive him to the workhouse, it was bad enough to expel him from the home dear by every feeling and association, dear to him as the palace of the nobleman, or the mansion of the landlord who writes letters to the *Daily Express* recommending watch dogs. The only solution is the workhouses—that means death. The law mercifully provided that when there was an eviction two things were not to happen. The man was driven from his home. He was not to be expelled on Good Friday or Christmas Day. That showed the religious feeling of the landlord code, for it is the code and system we are dealing with and not individual landlords. And notice was to be given to the relieving officer at the workhouse in order that the state apartments might be in comfortable and gorgeous trim for the benefit of the tenant and his hungry starving children, and the wife that he loved. The relieving officer provided apartments in the workhouse—what more could they want than that? That was not the worst of it, gentlemen. The workhouse—the emigrant ship—beggary—the family is scattered; the boys are begging, and the other members of the family—God knows what their fate may have been. But a wholesale system of clearance

was the thing that we were most anxious to trace. Now, I will not transcend the rule laid down by his lordship—most decidedly not, and if I do I hope most sincerely that I shall not be allowed to persist in doing it. I rely upon your own knowledge, if you have travelled through the country, have not tracts of country that were formerly the abode of happy peasants, where dozens of hundreds of houses were, been lain bare by clearances to make pasture farms? Where are those people gone? They say, that in some part of Connaught as much as £10,000 a year is paid by one grazier. I could hardly believe it; I thought it was £1,000.

The *Attorney-General.*—That is more likely.

Mr. *M'Laughlin.*—When it conveys that to a Northern like the Attorney-General, and I fell into the mistake, it is a compliment to me. Gentlemen of the jury, the clearances were wholesale. Hundreds of people were turned out without compensation. Their houses were wrecked, and, I believe, some of the landlords went the length of having machines for wrecking houses. And those landlords take credit for the exclusive virtue of morality. They are the just men. They thank God they are not like unto those Land Leaguers—not like unto the Publican. But since they are religious in their expression, I wonder whether they ever read or heard—"Woe be to you that join house to house, and lay field to field, till there be no place; that they may be placed alone in the midst of the earth." If they are religious, let them be religious *in omnibus*, and lay this text to heart, and the Land Leaguers will not withhold from them their meed of honest worth. It is too late in the day for any one to say that agitation is not legitimate and right, because the liberties we enjoy, and the benefits arising from various changes of the law have been the direct product of agitation—lawfully and properly conducted under the British Constitution that has been so greatly lauded, sometimes, I think, over lauded. But be it under lauded or over lauded or only properly lauded, it is a great system for the government of men—it is a free system, at all events in relation to some, but when applied by the landlord to his tenants, the freedom ceases. Agitation has obtained for us Catholic Emancipation; agitation has obtained for us, conjointly with the Irish farmers, the removal of the tax from corn and bread, and helped the people to feed themselves—a reform in the law which deprived the landlords of the convenient and profitable privilege of sending up representatives from some half dozen old insignificant boroughs as legislators to outvote the representatives of cities and counties. The vote by ballot was obtained by agitation. The most distinguished men in the community had agitated against old institutions—Wilberforce, Bright, Cobden—I am afraid to pass by Bright's name so curtly. He is the greatest benefactor Ireland has ever known—the most independent thinker, the most thoughtful speaker, and above all, an honest man, with his clear head and honest heart. I have read his speeches for many a year, and have always found that, no matter how far he was in advance of the times, time has eventually fought by his side, and time has eventually realized what he has said as though prophetic. The Land Leaguers have never been abused one-twentieth as he has been abused, and yet he is now, with the exception of the Prime Minister, if even with that exception, the most respected, as he was originally the most abused, man of the community. Every man who advocates against wrong and injustice must expect abuse. Abuse is the first effort to restrain them—then in the last resort the law, and always the elastic law of conspiracy. Now, gentlemen of the jury, I am glad to say that I have almost concluded—a few more words and I shall have done. I have omitted a great deal

of what I otherwise would consider it necessary to say, by reason of my inability to improve upon what has been so well put by my friend Mr. Macdonogh, and my friend Mr. Walker—not only my inability to improve upon what they have said, but in fact feeling a terror that if I went over the same ground again I might detract from their argument. That is a confession strictly between you and me. Gentlemen of the jury, the Land League has had no conspiracy. Where is the conspiracy proved? Where is the object proved? It was to save the people, and not to impoverish the landlords. I do not stop to read several extracts that I made here from the evidence, showing that a constitutional system of agitation and avoidance of bloodshed and of outrage were the lines sanctioned, not only the speeches of the traversers, but by the prelates and priests—by the clergymen, Protestant and Catholic, who assisted the people in their struggle in favour of the poor. It was necessary to regulate the agitation, so that, instead of a temporary expedient like the alms of America, there should be a complete and thorough remedy against hunger and famine by a change in the law. Gentlemen of the jury, are these men guilty or not? I said before, and I repeat it briefly, you must have the case proved by evidence. It won't do to allege it—it won't do to assume it—it won't do to say that because those speeches were delivered there must have been agreement, and because there was agreement those speeches were delivered. The idea of impoverishing the landlords never entered into their minds at all. I have said already that expressions have been used that were very incautious. Now, gentlemen of the jury, will you give me leave to call your attention to this? It is sought to make Mr. Parnell and the rest responsible for everything everybody said—the acting and prosecution of a common design. That is the same design, and no other design. Now, it is a most extraordinary thing that the design may seem to be perfectly innocuous, but the means by which the design was sought to be attained according to the allegation of the other side are the things that contained illegality.

Now, while I show you in three words how these people are all of the same mind, they spoke in several different parts of Ireland, Mr. Parnell is in America, Mr. Nally is in Castlebar, or any place else where the public houses are not closed on Sunday. They have a lot of barrels with planks on them, and they fall occasionally, and that emphasises the principle so to speak. Now, I will take some passages, two or three only. Speaking at Cloneen, on the 19th September, Mr. Nally says :—"People say why should a character like me be allowed to roam around the country. I seldom speak but I say something. Banish every blasted landlord out of the country." There is a simplicity and absence of affectation about that language that commends it to the meanest intelligence—here again some one tries to prevent him from speaking, but I daresay he could not be prevented. Then at a place called Clarhaun, or some such name, he brought out the great physiological discovery that many a good son reared a bad father. He also mentioned "blasted landlords" at Tuam, and there was some talk about pills which seemed to be treated with proper ridicule. And then he went on—"As I often give advice which I don't observe myself, I solemnly advise you all to go home sober." Now, if this did not appear by the Records of the Court, and suppose you read it in a novel as part of the evidence, would you say it was true? That is evidence against Mr. Parnell, the leader of his party. I know nothing about them except they are traversers here and that I am defending them. I think it is an honour to defend them, and I would

defend the humblest man (so far as it is necessary to advert to his case) as Mr. Parnell. Mr. Parnell is responsible for all the wickedness of the good-natured patriot Nally, and I am sure if he is not here he is pleasantly engaged elsewhere. Now you observe the community of purpose and design that exists between them ! Fancy the diversity of language used, fancy a speech of Nally and put it side by side with a speech of the greatest genius of the whole fourteen—Mr. Timothy D. Sullivan, a man with whom I never exchanged a word in my life but once—Mr. Gordon, speaking of the respected Archbishop of Cashel—the Catholic Archbishop—as Dr. Croker, a relative of John Wilson Croker, lately deceased, who was not on that side at all. He talks of Communism, and calls it Communionism. What led him to give it the extra syllable I am sure I do not know. One advises the application of the three F's—fair rents, free sale, and fixity of tenure. Another says that is a humbug—that it would do the greatest possible harm. Another says twenty years' purchase for the landlords, another you have paid them already, another I dont go so far as that, you paid them already, but let them turn back to back ; another, arbitration. I remember hearing a great advocate produce a great effect in this court when I was very young at the bar. He was ridiculing some offer to leave the case to arbitration, and he said—" I was prosecuting once at the Clonmel assizes a man for a very bad murder, and when the case was called an old man stood up in the gallery and said, " My lord, that case is left to arbitration." Well now, another of these people says payment, another restitution, another turns back to back, and then Nally says " Don't join the Land League, but join my league." Gentlemen of the jury, what is all the evidence that they have given. They have given in evidence a number of speeches. We will put them side by side—we will put those reported by the official reporters on one side and those reported by the police reporters on the other. Is there a man in that box who, in a case of life and death—for I have a right to apply the rules of evidence in this case as strictly as in a capital case, even if it were the humblest member in the community who was charged with an offence—would think for a moment of convicting on the testimony of these men. We have Mr. Stringer, Mr. Rourke, Mr. Andrew, Mr. Christopher, and I cannot name the rest. They were all there with their pencils. One man said he could take one sentence in fifteen after eighteen months, another of them one sentence in twelve, another one in ten. That means one word out of every fifteen, or at least one sentence out of fifteen ; and then he writes out from his notes a speech that reads as sleek—if I may use the expression—as if he were a verbatim reporter, but it turns out that he only took a word here and there as he could get it, and then makes it up as a neat piece of evidence. I wonder how they train these police reporters. I was thinking over it and fancying a picture of it in my own mind. When they get recruits from the country they make them sit down at a table with a lot of records. They all have their coats off, and there is a stenographic sub-inspector, armed with a pencil, who draws his sword and points his pencil with it, and then makes a character on the blackboard. Then the policeman draws his sword-bayonet and points his pencil with it, and tries to follow the symbols made by the sub-inspector, at the same time making corresponding characters with his tongue, like boys copying at school. I would like to see Colonel Hillier reviewing his stenographic department of the Royal Irish Constabulary, with the men in heavy marching order, with a pencil stuck in each ear and another in the corner of his hat, and his notebook at the back

of his collar, so as not to interfere with the ammunition in his belt. I would like to see them being put through their exercise, and being taught to report one sentence in every fifteen.

Now, what is the rest of their evidence? There is a most terrible array that appeared somewhere in one of the smallest towns in Connaught, where the men arose in arms, and marched along the road with two horses in front that had to be assisted to walk, and a body of stalwart warriors walking two and two, armed with tin swords and helmets. That is the only case of armed violence proved. There is none alleged in the pleadings; there is none alleged in the evidence but an edge to the insinuations was manifestly that this was an organization to injure the landlords. What proof is there of landlord injury; what proof of outrage? Has it been proved that any man was inconvenienced. They had police to show this, that the fact was so and so; but there was no proof at all, and the only thing they proved with respect to outrage was that which required the combined testimony of one sub-inspector, one acting-constable, and a sub-constable, that the people marched into a hay field and that they scattered the hay in the field. Conspiracy, deep, dark, foul, and unnatural conspiracy. That's the way to prove it. What do you think of that. Ask yourselves when you retire into your box where is the evidence of any crime or the employment of unlawful means in carrying out the objects of the League. And do you think these people ever troubled themselves at all about contempt of Court? I would not say anything about that. That is a matter at law. There was no one connected with the Land League called but the woman who swept out the offices in Abbey-street, and her husband, and his son, and they simply proved that they saw from time to time several men and boys, some of whom appeared to be in holy orders, and others met going into the place; that they saw them apparently assembling on one occasion to attend a meeting which was not proved beyond giving in evidence a publication of a most blasphemous character—a publication, gentlemen, which I am not here to defend. Not one of the traversers was brought into privity with that publication, nor was there a shadow of evidence to connect them in the slightest degree with it—a publication which was a travesty on the sacred words of Scripture or divine revelation which was God's guide to man for the government of his life. The publication of such a document went beyond the limits of justification or even of excuse. I repeat not one of the traversers was brought into privity or connection with it, tainted as it was with blasphemy. Therefore, gentlemen, I say let it not be sought to make us responsible for it. Evidence was given to you of banners and mottoes which were paraded at these meetings, and notably one which represented the figure of Erin shaking hands with Mr. Parnell. There was also a great deal of comment as to these mottoes and banners. It was certainly not raising the question at issue to the attitude of a great argument, but rather, in my humble judgment, as I would respectfully submit, degrading it and pulling it down. It reminded me of the honesty of a painter, who hailed from the north and who was employed to paint a banner of Brian Boru at the battle of Clontarf. He was an honest man, and came up to Dublin to view the ground and satisfy himself. Having done so, he produced his picture and represented Brian Boru with the muscles and arm of a giant with something like a steam hammer in his hand knocking down the Danes in dozens, and at a convenient distance a tramcar proceeding on its way to Clontarf, and the Liverpool steamer at the other side in the distance apparently detained by stress of weather (laughter). So conscientious was the

painter that he could not leave out of his picture what he saw—namely, the tramcar and the Liverpool steamer. It was an anachronism no doubt, but the man never heard in his life probably of an anachronism, and if he were interrogated on the point he might ask was it a beast or a bird? Gentlemen, you had some Dublin reporters produced for the Crown, but these gentlemen proved nothing at all. Now, there is this to be said. I do not for a moment pass over the covert hints which were thrown out as regards outrage and murder, nor the reference to the fate of that unfortunate nobleman, Lord Mountmorres. I say, gentlemen, that was a foul and unnatural murder; but are we to be made responsible for that? Where are the proceedings of the Clonbur meeting, at which a Government reporter was present? We have proved that there were uttered at that meeting the strongest denunciation of that foul and unnatural crime. Do you remember, gentlemen, the language of Mr. Harris, who spoke a second time at that meeting? He said that he had made some remarks which were open to misconception, and he took the first opportunity to set himself right. If any man said he considered that he advocated murder, or that his language was capable of such an interpretation, he should deeply regret it that he should have been so much misunderstood. He emphatically declared that during all his life he had been an opponent to violence of any sort, and that he had gone more than once, at the risk of his life, amongst secret and silent conspirators who were driven into violence and crime—he had gone amongst them to dissuade them from violence, and was instrumental in saving the lives of landlords and agents, and it was a bad reward to give him to say that he had advocated murder. In the strongest language at my command, said he, I denounce without qualification or reservation, any violence or crime. Nothing should excuse the man who, even maddened by a sense of injury and wrong, raised his hand against his fellow-man. I denounce, said he, murder under any circumstances. Thou shall do no murder, and Mr. Harris said that God's curse visibly fell on the murderer. Gentlemen, I believe in my conscience that the unfortunate and fascinating expression, so to speak, of which they heard so often, namely—"The wild justice of revenge," had resulted in a great deal of evil, inasmuch as it seemed to imply that there could be such a thing as justice in murder or revenge? Let the landlord do as he likes, but unless the tenant wants to add to his suffering here, and the curse of God both here and hereafter, he will bear in mind the commandment of the Almighty—"Thou shall do no murder." Every man was bound to denounce, without reservation or qualification, the crime of murder, and that sentence which seemed to imply there could be such a thing as justice in murder or revenge, I cannot help regarding as other than un-Christian and improper expression, and one which never should be uttered even in the most qualified way. Now, gentlemen of the jury, I have already demonstrated to you that there is no evidence here to sustain the case which the Crown has put forward here, and with confidence I ask your verdict, guilty or not guilty? I have endeavoured, however feebly, to reason the matter with you. I have omitted reference to a number of matters to which I intended to address myself, but they have been placed before you by the eminent counsel who have preceded me. I claim with confidence your verdict of not guilty, for no crime has been proved against the traversers. No illegal agreement has been proved on their part, or anything done in pursuance of an illegal agreement. The original association was legal in every aspect—was innocent, nay laudable. There was no illegality in its proceedings, and you are not to presume crime against any man. It must be proved to your satisfaction, and that proof

has not been given, no material evidence of it. Gentlemen, I ask your verdict, not in mercy, but in justice. As far as the traversers are concerned this prosecution has failed in its entirety, and ought to fail. My opinion is only that of an advocate, but I believe there is an instinctive perception in that jury box that it has failed; that the charge made, which read well in print, and the great speech of the Attorney-General—when it came to the proof by the reading of a number of those speeches, some rubbishy, that it has failed, and that this association has been shown to be an innocent organisation instead of a foul and illegal conspiracy for which you are asked to convict the traversers. I repeat, gentlemen, I do not ask mercy for them, but justice, and in doing so I am simply carrying out my instructions. If I were disposed to ask mercy, I should ask it not on behalf of my clients, not on behalf of their clients. I think, gentlemen, of the hundreds of thousands—ay, millions—of poor and afflicted peasants in various remote districts of Ireland who are anxiously awaiting in confident expectation your verdict. These men, whom, in conjunction with my learned friends, I stand here to defend, have suffered for their sympathy and exertions on behalf of their afflicted fellow-countrymen, for is it not suffering to have to stand in a court of justice as malefactors, guilty of no moral wrong? They are suffering for endeavouring to protect those who could not protect themselves. They have stood between them and every rapacious landlord who would seek to oppress his tenants and drive them from their little homes. The poor man's home is as dear to him as the nobleman's palace. It was there he first saw the light of day. It was in that home, mayhap, he saw his father and mother for the last time, and thought as he looked on the white face that that parent might yet live for another day in order that he might speak some word which crowded on his heart and struggled for utterance, or perhaps unsay something which had been said. It was to that home, perhaps, the poor peasant had brought her whom he had chosen to be his faithful companion, with whom he was to go hand in hand through the dreary, weary, thorny path of a peasant's life. It was there he kissed the lips of his first-born, and possibly it was there—most dreadful recollection of all—that he had seen his dead child and heard the wailings of the broken-hearted mother. Everything connected with that home entwines itself about his heart. The Irish peasant is poor, but he has a heart. His life is a life of toil and sorrow that makes his home more dear. His home is surrounded with a lot of affections, and it is like pressing the life out of the peasant's heart to tear him from these ties. Gentlemen, I have spoken as well as I could in favour of my clients. I ask your verdict, not in mercy, but in justice. I ask you by your verdict to say that the case for the Crown has broken down. It has failed because of its own inherent weakness. It is for you to say I am right, and I am not wrong in thinking you will say so by your verdict. Mr. Gladstone, in a remarkable speech in the year 1870, called attention to the extraordinary fact that in every appeal Ireland had made to the universal sympathy of the Christian world she had succeeded. Why? Because her cause was just. The nation is stronger than the law, stronger than Parliament, but there is something yet stronger than the nation, and that is simple justice. Do justice then to my clients and I shall be satisfied.

Mr. Justice FITZGERALD.—We will now adjourn, and I wish to state the court will not sit until half-past eleven o'clock to-morrow morning, as we have to attend a meeting of the judges to arrange the circuits.

FIFTEENTH DAY—TUESDAY, JANUARY 18, 1881.

Mr. Justice FITZGERALD and Mr. Justice BARRY took their seats on the bench shortly before twelve o'clock.

Mr. *Macdonogh* (to Mr. V. B. Dillon, solicitor)—Now, send for Mr. O'Brien.

Mr. Justice FITZGERALD.—Where is "Hamlet"?

Mr. *Macdonogh*.—Sent for, my lord. He will be here presently.

Mr. *Peter O'Brien*, who arrived shortly afterwards, said—May it please your lordships—Gentlemen of the jury, I am counsel in this case for Mr. Timothy Daniel O'Sullivan, and, notwithstanding the many able arguments that have been so eloquently presented to you by my friend and leader, Mr. Macdonogh—under whom I am proud to serve—and by my other able colleagues who have preceded me, I own that I rise to address you with some anxiety—an anxiety occasioned, however, in no degree by any consideration of the consequences your verdict may entail on my client. Mr. Sullivan belongs to a family distinguished by their pure, unselfish patriotism—to a family whose sufferings for their country have only served to intensify their devotion to Ireland, and no one of whom stands to-day lower in the estimation of his fellows for what he has endured for his native land. No, gentlemen, if I permitted myself to be disconcerted in the discharge of my responsible duty by any consideration of the consequences—the penal consequences—which your verdict might entail upon my client, I would be unworthy of him and unfit to defend him. You may deprive him of his liberty; you may even now, when the shadows are beginning to lengthen on his path, incarcerate him in a jail; you may deprive him of the priceless blessing of the society of her whose gentle sympathies have lightened his load in life; you may take him from his children, who have learned at their father's knee that it is no crime in the pure eye of heaven to pray to God for the restoration of Ireland's nationality; you may do all this, but the constancy of the man will control the emotions of the husband and the father, and he will bear it all without repining. He knows, too, (history's teaching), that the gloom of the dungeon has often been illumined by the hopes of the patriot, and that such is the irony of fate and such the story of Ireland, that that which was intended as a receptacle for the outcast, the prison cell, has often been sanctified by the sufferings of the good and true. But while he fears not for himself, and while I fear not for him personally, he experiences with me, his counsel, a cruel anxiety lest twelve Irishmen could be found so unmindful of the best traditions of their history as by an unworthy verdict to strike a blow at the sacred right of agitation, freedom's best auxiliary. Gentlemen, at the outset of my observations to you let me put one question. It has been said that this prosecution is an indictment of the great majority of the Irish people. Let me put this question:—Have the Irish people any right to complain? When were these principles now arraigned first promulgated? One of the strongest speeches—if it is to be tested by the Government standard, if it is to be tested by the gauge of the Crown prosecutor—was made so far back as April, 1879. Why did not the then Government interfere? If, gentlemen, these doctrines are illegal to-day they were illegal then. Why did not those to whom the enforcement of the laws of the country is entrusted then interfere?

But meeting after meeting went on, and at last, when the party then in power were egged on by their own followers, the landlords, they instituted a prosecution. Mr. Brennan was arrested, Mr. Daly was arrested, Mr. Killen was arrested. Prosecutions were instituted which I deliberately say became the *ludibrium* of the public, the *ludibrium* of the law courts, and were the scoff of every barrister except those engaged for the prosecution. Gentlemen, Mr. Brennan, an able and eloquent man, proclaimed his loud defiance of the Government at the time. He said what he attacked was the system, not landlords. Why did they drop the prosecution? If the principles are wrong to-day why were those prosecutions dropped? If they were wrong; but Mr. Brennan proclaimed that he was right—Mr. Davitt proclaimed that he was right. He said that he had not outstepped the right of agitation—that he had not outstepped the law. Why were those prosecutions dropped? Why was the position surrendered to Michael Davitt if these doctrines were illegal? Gentlemen, the explanation of the thing is this, that the Government found they had drawn a sword against the liberties of a free people which should not be used against them; that they had merely had recourse to agitation—agitation which has won all our rights; then they dropped the prosecution because they must have felt that they were condemned by the moral sense of mankind. But what is the position of the present Government? Who has more eloquently than Mr. Gladstone painted the grinding process of the land system of this country? Who had more eloquently depicted to you the demoralisation of the poorhouse? Who has described with more fearful accuracy the dreadful significance of the notices to quit—those death-sentences that fell like snow-flakes upon an unhappy people? Who told the Irish people, especially here in this capital of Dublin, that if Ireland could be dragged 2,000 miles to the West the landlords would be flung into the sea? Mr. Bright. But, gentlemen, my able friend, Sergeant Heron, who is to reply in this case, may say to me and to my friends—"You appeal to the authority of those men; you appeal to the authority of Mr. Gladstone; you quote from the speeches of Mr. Bright; it is by the authority of these men that you are prosecuted, and in deferring to them don't you pronounce your own condemnation?" My answer—my prompt and immediate answer to that is this—they have been balked in their noble aspirations, these men have; they have been defeated in their good intentions; they have been obstructed in their views with regard to Ireland by the inexorable selfishness of the landed interest in England. That interest in England, its factious opposition to the redress of the grievances of Ireland, has suppressed what Mr. Charles Russell has well described as the chivalrous feeling in the English mind towards the Irish tenant. Gentlemen, to those who have been brought up to admire Liberal principles—to those who have been taught the value of the principles of the Liberal party—to those who fought their battles in bygone days, this prosecution seems to be an act of great apostacy—apostacy by the traditions which constitute all the glory of the Liberal party; apostacy by the hopes which the friends of progress reposed in them, apostacy above all and beyond all, by those glorious achievements which were inscribed on their banners by the right hand of agitation. Gentlemen, I put this question to you. Dare any Government, especially any Liberal Government, institute such a proceeding as this in England? What would be the feelings of the English people if such a proceeding as this were instituted there? Do you think the fearless spirit of the English nation would brook such a proceeding? Gentlemen, if any English Attorney-General dared to dig

down into the graves of the law for this discredited weapon of tyranny the spirit which guards the ashes and wreaths the tomb of Algernon Sydney would shriek aloud to the friends of freedom, and the English people in their thousands—aye, in their millions—would march to London. But, gentlemen of the jury, we are bad enough for anything, and any evil experiment may be attempted upon us. What is the position taken here by the Crown? The Attorney-General in his opening cited one case, and, gentlemen, in the citation of that one case he emphasised one word—the word "molestation." Happy would it be for Ireland if the word molestation adequately described the sufferings which the Irish landlords have brought upon the Irish people. The Attorney-General also had recourse to one maxim; he cited one maxim, *summum jus summa injuria*, the extreme exercise of right is the greatest wrong. If the landlords of Ireland were tried by that maxim, what a burden of guilt they should bear. He did something else—he referred in this court to the teachings of O'Connell. To the teachings of O'Connell in this court! There, I am told, gentlemen, in 1844, in that position, sat Daniel O'Connell; there, upon that bench, sat the partisan judge who tried him; there were the jury, brought to convict him by a system which Lord Denman, speaking in the House of Lords, said was a mockery, a delusion, and a snare; and there, under the bench, sat the Registrar who handed down the verdict, which in effect was "guilty." How true is the saying—to-morrow or the next day, or the day after, will be the avenger of to-day? But, gentlemen, let me try some of the conduct of the landlords of Ireland by the principle which the Attorney-General has cited—*summum jus summa injuria*. Let me try the conduct of the landlords of Ireland for some years back by that principle; and let us see how it will recoil upon those who now prosecute this landlords' indictment. My friend and leader, Mr. Macdonogh, gentlemen of the jury, cited for you the opinions of many great men. I don't intend to indulge long in quotations. I don't intend to indulge to any great extent in referring to the opinions of others, but I would cite you one opinion, one statement of Lord Clare's, in order that you may compare it with what took place last year, I believe, and the year before. Mr. Macdonogh gave in evidence several Acts of Parliament to show the chronic condition of the country—how the evil system of land laws always led to insurrectionary acts, led to the suspension of the Habeas Corpus Act, led to Coercion Acts and all the galling incidents and accessories of coercion. When introducing, gentlemen, one of those Acts, or when it was being introduced, the Attorney-General of the day, who was afterwards Lord Clare, said in the House of Commons—"He was well acquainted with the province of Munster, and that it was impossible for human wretchedness to exceed that of the peasantry of that province. The unhappy tenantry were ground to powder by their relentless landlords. That, far from being able to give the clergy their just dues, they had not food or raiment for themselves. The landlords had grasped the whole, and sorry was he to add, that not satisfied with this extortion some landlords had been so base as to instigate the insurgents to rob the clergy of their tithes, not in order to alleviate the distress of the tenantry, but that they might add the clergy's share to the cruel rack rents they had already been paid. The poor people of Munster lived in a more abject state of poverty than human nature could be supposed equal to bear." Let me go back now, and let me emphasize one sentence of that quotation—"The unhappy tenantry were ground to powder by their relentless landlords"—*summum jus summa injuria.*

Try the landlords by that principle—they who ground their unhappy tenantry to powder, and I ask you what weight of guilt must these men bear. But that is in the last century; let me go on. I give you, gentlemen, the language of an English member of Parliament—I shall tell you his name afterwards. Coming now to this century, this is about 1848 or 1849, I shall go on down to last year. He had seen on a winter's day the law officers, protected by a squadron of dragoons, before thirty or forty cabins, only fourteen miles from Cork, in a beautiful valley. He had seen the cabins knocked down one after another, and the inmates turned out into the snow and cold. He had seen a young woman fall on her knees before the captain of Dragoons and beg that her cabin which contained a husband sick of fever, might be spared for a little time. He had seen the sick man lifted out into the snow, and he died there. Within five days that woman was found at Ballincollig barracks, a maniac, with a dead child in one arm and a dying child in the other. If that happened in England rebellion would have been preached from one end of the country to the other." There is the language of a member of Parliament—it is the language, gentlemen, even of a man who denies the truth of the Redemption and the existence of the Almighty—even the heart of the Atheist was wrung by the sufferings of the Irish race. But let me go on, gentlemen. A great deal has been said about a certain Act of Parliament, the 11th and 12th Victoria, chapter 47. My learned friend, Mr. Walker, in his excellent logical, and most feeling and touching speech, pointed out to you how on Christmas Day, the festival of the Birth of our Saviour, and how on Good Friday, the anniversary of His death, that no consideration, either of peace or mercy, stayed the ruthless hand of the destroyer, and the British Parliament interposed to prevent this work of destruction on these days. But let let me read to you, gentlemen of the jury, a section of the Act of Parliament. It is simplicity itself, but it bears with it a hideous significance, "And be it enacted that whomsoever, with intent to dispossess any person actually dwelling in the house, or other building used as a dwelling-house shall, except as far as may be necessary to enable the sheriff or his officer to effect an entrance thereto, pull down, demolish, or unroof, in whole or in part, or cause to be pulled down, demolished, or unroofed, in whole or in part, such dwelling-house or building used as a dwelling-house, while such person, or any of his family shall be actually within the same, shall be guilty of a misdemeanour." That is to say, here in a Christian land, under a Constitutional Government, it was essential to bring in an Act of Parliament to make it a misdemeanour that if the house was pulled down upon the inmate whilst he was in, that was, gentlemen, a crime. What were the facts? I won't read you the reports upon which that was founded. I won't read you the speech of Earl Grey in the House of Lords, but the facts were these—that when famine smote the land, and when pestilence smote the homesteads, the ruthless destroyer came without, and pulled down the rooftree upon the head of the inmate, and made the hearthstone his grave. Of all you ever heard, of all you ever read, of all you heard about barbarous countries, is there anything to exceed that record by Act of Parliament of the cruelties and barbarities of Irish landlords. They pulled down upon those who were smitten by the visitation of God with fever and famine—they pulled down upon the dying and famished people their rooftree. *Summum jus summa injuria.* Try the landlords by the maxim which the Attorney-General has cited, and I ask you again if your sentence can be measured. Dictated by your sense of morality, how long and how heavy would be the sentence that you would pass upon them? I have

given you quotations from the last century. I have given you quotations as to the opinions of a man as to what took place in Cork—in that beautiful valley that he described. He himself was the dragoon and saw it with his own eyes. I have given you now this terrible record in the Act of Parliament of the sufferings endured by the Irish tenantry from the barbarities of their oppressors. Let me go down now to one letter proved and read before, my lord. This is what took place last year. They say—"Oh, you go back to last century—you go back fifty years"; but I think the letter which I will read now will justify the conduct of my leader here in stating and referring to those Acts of Parliament to show the chronic condition of this country, and to trace that to the ruthless system of landlordism. "Dear Sir"—(this is written from Athy, Oct. 7, by the Rev. James Doyle, P.P.)—"In reply to your urgent invitation to attend the land meeting next Sunday, I can only express regret at my inability to comply with the wishes of your committee, but I regret still more the necessity there is for holding the meeting. Eight families have been turned out of their homes for not doing the impossible. These poor people for the last three seasons lost nearly all their produce by the excessive rain and overflowing of the river Barrow, and though their rents were considerably above the Government valuation, they got no abatement. Last spring saw them in a miserable plight—almost without food or seed for their land. An effort was made to procure seed, and some was got from the union. The priest begged for them, I begged for them myself, they themselves begged and borrowed until sufficient seed was procured, and last summer's sun shone down on a harvest that promised to wipe out most, if not all, the arrears. But before they could turn their crops into rent, the fruits of charity were seized, and they themselves ejected from homes, humble indeed, but dear to them as life." "The fruits of charity." "The priest begged for them." The guardians gave something for them. But, gentlemen, the landlord came, and, in order to satisfy his rent, he seized upon these alms which were bestowed upon the tenants by the hand of charity. This is in 1879. Is not that conduct as bad as any? Is not it apiece with all the black record that comes down from the last century to the present day? I could read you many descriptions of the sufferings of the tenantry—the sufferings of the Irish people. I do not know, gentlemen, whether you have mixed much with the peasantry of Ireland. Your way is the way of commerce; your path lies upon the high road of commerce. But before I joined the ranks of the Bar myself, I spent all my antecedent life amongst them. I learned to respect their many virtues, their great gratitude for the smallest favour, their quick sense of wrong, their keen sense of gratitude, their abundant hospitality, their graceful courtesy. I believe that if the Irish people only got fair play in their own country—if they had not been, worst of all, turned in times past from the law by its perverted administration, they would be now the most loyal, the most contented, the most prosperous, as they are certainly the most virtuous race all the world over. Gentlemen, let me pass on to when my client joined this organization. Mr. Sullivan—though his family, gentlemen, some of them had been popularly identified with political movements in this country—was a man of letters, and until the year 1879 he never appeared upon a public platform. True, that he wrote for Ireland, he sighed for the redemption of her people, and he prayed for the restoration of her nationality; but he never appeared upon a public platform until the year 1879. Then when three bad harvests had done their work, looking out from his

quiet study, he saw the spectre of famine throw its stark shadow on the land, the horrors of 1846 rushed back on him, memory summed up before him all the horrible sights of 1846, '47, and '48. He saw again the union workhouses filled to overflowing, and its terrible demoralization; he saw the coffinless graves and the unburied corpses; he saw death knock at every door, and no one to sprinkle the door-posts with blood that it might pass on; and when all human succour and all human sympathy seemed to have fled he saw but one figure busy amongst the dying and the dead—it was the figure of the Irish priest bending over infected lips to catch the faint accents of confession, holding up to the last before the expiring penitent the image of the expiring Redeemer. Summoned by the face of mercy, Mr. T. D. Sullivan went forth and for the first time, in 1879, he stood upon a public platform, having come at the call of mercy to share the toil, the anxiety, the suffering, the responsibilities of agitation. Let me now see by what standard—by what artificial standard of human law or reason this man is a criminal. Gentlemen, what was to be done? Were they to have recourse to Parliament? Was Parliament, gentlemen, so constituted, that it would help the poor tenants? Was the House of Commons so constituted? Was anything to be expected from the House of Lords? What was to be done? Was it by speechifying in the House of Lords and bringing forward Bills there? Why, gentlemen, hundreds of them have been kicked from those Houses. You heard what was done in the House of Lords with reference to the Disturbance Bill of 1880—that small modicum of relief for the Irish tenantry when pestilence and famine impended. You heard the description of how the Lords assembled, from my friend Mr. Walker. It was the most ignominious conduct in the history of England. They came crowding from all quarters—the lame, the sick, the maimed, the healthy. One man, who had not been there for thirty years before, came back from the Continent; they left their sick beds to go there. Why? Because they thought their own interest might in some way be affected by this wretched Bill, and in throwing out that Bill, gentlemen, they illustrated one of the most sacred maxims of our law—*nemo debet esse Judex in propria sua causa.* That is one of those sacred maxims of our law—no one should be a judge in their own cause. Gentlemen, nothing was to be got by speechifying in Parliament, nothing was to be got by petitions to Parliament. Petitions to Parliament! Surely the only thing to have recourse to was agitation. Agitation—by which we acquired all our vested rights; by which Catholic Emancipation was won; by which all other great rights were won; by which the Corn Laws were abolished. Well, gentlemen, Mr. Parnell was agitating at that time, and what was his object? Parliamentary action—mere Parliamentary action was useless. You will go with him in that. Mr. Parnell was agitating. Now, in joining him, was Mr. Sullivan right or was he wrong? What, gentlemen of the jury, was the object that he had? Mr. Parnell advocated the establishment of a peasant proprietary. He looked, gentlemen, to the past of Ireland. He saw that some hundreds of Acts of Parliament had been brought in and had failed. There was the Land Act of 1870, trumpeted as the final measure, it ignominiously failed. Even, according to the admissions of the present Government, it ignominiously failed, because it only served to increase rack-renting, and the most boasted provision of that statute—the Bright Clauses—fell as a dead letter. Peasant proprietary was the object—how was it to be worked out? Mr. Bright agreed with Mr. Parnell that peasant proprietary was the thing to be achieved.

But, said Mr. Bright and others, "Oh, do it gradually." But, retorts Mr. Parnell, "That is what you have attempted already. Look at the Bright clauses. These were brought in to establish peasant proprietary gradually. They have failed. Do it by some comprehensive measure. Do as has been done in Prussia and some other countries, where by a comprehensive measure statesmen established peasant proprietary." There is no cardinal difference between Mr. Parnell and the Government of the present day. As for the past or late Government, they would listen to nothing as regards the land question. Now, upon this main question had not Mr. Parnell the best of the argument? He was fortified by the example of foreign countries, and by this fact—that the mode of creating a peasant proprietary, as intended by the Act of 1870, had failed. Well, now, their object was to abolish landlordism, and if you will look, gentlemen, at their card—at the cards they issued—you will see that. On it was—"Down with landlordism." Now, upon this subject just let me make these remarks, "Down with landlordism." Now, remember what took place here yesterday. Gentlemen, if the Land League wanted a justification, if landlordism desired to hear its death-knell tolled, it could not be more effectually done than by what was done yesterday—the entering of the *nolle prosequi* on that last count. Why—why? We proposed, gentlemen, to prove this. We attacked a system, not individuals. We wished to show what our intent was, and in order to negative the intent alleged we wanted to show the quality of our conduct and the quality of the acts done under the system. The Attorney-General retires to consider, remains out twenty minutes, comes in, enters a *nolle prosequi*. Why? Because it would take not only days, but weeks, and months, adequately to recount the horrors of the tale of landlord oppression. Gentlemen, the horrors of the system were so numerous—the acts of cruelty were so numerous that it would take not only days, but weeks and months to recount them. And he was perfectly right. If the case had gone on we could have put witness after witness on that table to show the ruthless barbarity of the system. But, gentlemen of the jury, I ask you now how can landlordism have a word said in its favour. How can the Land League be denounced if its object was the abolition of this system of landlordism, when the atrocities done under that system could not bear the light of a court of justice. Now, mark the unfairness of it. For three days the Attorney-General speaks of our conduct and how we excited ill-will; for three days the greater portion of his speech was addressed to that count. He spoke of Nally having stated that the landlords were as bad as the thief who pierced our Lord's side on the Cross. What is the meaning of that? The object was to show that we, gentlemen of the jury, created ill-feeling amongst classes in Her Majesty's dominions—for two days he spoke about it. When the time of our vindication came and when we were prepared to tell a tale which would make any man's hair stand up with horror, we were prevented doing so on the score of time. It was a good ground, because time would have been occupied at great length in unfolding the hideous tale. Now, again, let me ask you. You see what Mr. Parnell was at—to establish a peasant proprietary. You see what his object was—"down with landlordism"—down with this system that is afraid of the light of day. That was the main object. Now, what did they do? What does their card say? "To prevent eviction, and to prevent rack-renting and landlord oppression." I put this to you, as men who value the freedom of speech, as men who appreciate one of the most sacred rights we have—the right of public meetings—if it be lawful to attack the system, will you hold any man guilty because he

has used strong language with reference to the incidence of that system? The incidence of that system were rack-renting, landlord oppression, eviction. The system was landlordism: these were its incidence. If it be proper and legitimate to attack that system, which all the continent of Europe has condemned and abandoned—landlordism—will you strike a blow at the freedom of speech, at the sacred right of public meetings, because men who are legitimately trying to effectuate a proper object—namely, the abolition of a system—used strong language against the incidence of a system which, gentlemen, is condemned by the voice of Europe, and especially by those who defend it in this Court. Now, gentlemen, a great deal has been said here about the expression, "Keep a grip of your holding." You heard my friend, Mr. Walker, speak about that. It has been said that means, "Oh, we are not to give the landlords anything;" that we said their property was founded upon conquest, fraud, and force. Well, I do not think it is requisite to be speaking of past history — about confiscations and so forth. It is too far back, and I am not going to contend here that men, no matter how their title may have been derived—I am not going to deny they may not have a prescriptive title to their property. But, gentlemen, what we are attacked for is this—"Oh, you say the landlords should take nothing, that they should be sent out of the country, bag and baggage." Now, my friend, Mr. Walker, read to you a portion of the Land League appeal to the Irish race, and Mr. Macdonogh, too, most fully. But will you permit me, gentlemen, to read again one passage —"In formulating a demand for ownership of the soil by the occupiers in substitution for that of landlords, the people of Ireland neither contemplate nor ask for the confiscation of those proprietorial rights which existing laws must necessarily recognise and protect; but that for the transfer of those rights to an industrial ownership, a fair compensation may be given to those who may be called upon to agree to such transfers for the settlement of the agrarian strifes of the country and for the supreme good of its people." There is their chart, and there they say the landlords are to be compensated for their vested interests. Let me call your attention to the expression, "keep a grip of your holding." What was the meaning of it? It was this—do not leave the country, because now a great crisis had came; all former systems had been tried and failed; there are men in Parliament devoted to your case; peasant proprietorship will soon be established, you having men to work out your objects; don't go into exile—hold your homesteads. Gentlemen, I now invite your attention to another passage in the appeal to the Irish race:—"None of our race have had such bitter experience of the wrongs of landlordism as those who have been compelled to seek abroad the food denied them at home, and none would more heartily and generously sympathize with those who are resolved to hold a firm grip of their Irish homesteads than the exiles who are forced by iniquitous laws to leave them." Putting exiles in contradistinction to those who kept a firm grip of their holdings, and showing that as peasant proprietorship was about to be established they should not give up their homesteads, they should not go away and become exiles, but should remain at home to enjoy this peasant proprietary, which was to be established—a system which, according to the great writer, Arthur Young, turned every grain of sand into a grain of gold. But now, gentlemen, the Attorney-General read to you a passage from a document which is known as "John Devoy's Letter," and I confess I did not quite catch the object of it—whether or not it was intended to maintain that last count—that defunct count, the

agonized soul of which is shrieking now, whether on the banks of the Styx or not I cannot say. Whether he read the passages from the letter to sustain that count I know not; but I will read a passage from that letter for you—and I will ask you, gentlemen, when I read it whether what I read does not commend itself to your good judgment. Here is what he says:—"The utter ruin of the harvest left the people completely at the mercy of a relentless and murderous system, and their own bitter experience told them of the fate that awaited them. They determined to seek a remedy in time, and the land movement was the work of the people's own hands. If men who know the people, and who saw what an unequal struggle was before them, stepped in and gave shape and direction to their efforts, it will be found hereafter that, instead of inciting to a social warfare, they simply averted utter chaos. It was a spontaneous movement of the people themselves, and all the efforts of all the public men in Ireland combined could not have prevented it in one form or another. If the Western peasantry, with ruin and extermination staring them in the face, had been left to themselves, it is scarcely too much to say there would have been scenes of violence and bloodshed such as no real friend of Ireland wants to see.

John Devoy is, I suppose, one of the persons who could be brought in under the defunct—the last count.

"Without a strong and vigorous agitation, and without combination among the farmers, the landlords would certainly have evicted by wholesale, and the people would as certainly have resisted. Of course they would have been crushed, and their resistance would have been made the pretext for the depopulation of large districts of the country. A score or two of landlords, a few hundred policemen and soldiers, and, perhaps, some thousands of the people would have been slaughtered, famine and pestilence would have raged unchecked through all the western counties, and we should have witnessed such an exodus as would have made all previous ones seem the merest driblets."

There is the language of John Devoy, and I say, gentlemen of the jury, that language must commend itself to everyone. Now, the Attorney-General referred especially to some of the rules of the Land League, and I would like to say a word about these rules to show you their true meaning. He relied especially upon two regulations of the Irish National Land League. Now, I ask your attention to how they were got. Gentlemen of the jury, where was the home of this Association? Why, it was in a place kept by the wife of a sub-constable of police, I believe—this lawless agitation. These rules, how are they got? John Devoy's letter and the appeal to the Irish race, how were they got? A policeman goes up to Mr. Brennan—this dark conspirator—in the middle of the street and asks him for copies of those documents, stating Mr. Mallon, the Superintendent, directed him to ask for them. This terrible criminal then and there brings the policeman to the Land League offices and hands him the appeal to the Irish nation, John Devoy's letter and the rules of the Land League. These dark conspirators! But what, gentlemen of the jury, is the regulation? Now, this is what the Attorney-General relied upon more than once. "Any member of a branch association bidding for or occupying a farm from which a member or non-member has been evicted, or who shall rent land which a member or non-member may have surrendered on grounds of excessive rent, or upon a refusal of a fair reduction of a rack-rent, shall be expelled the branch for such action, and should be looked upon and shunned as a traitor to the interests of his fellow-tenant farmers, and an enemy to the welfare of his country." Now,

the Attorney-General read that as if it was a regulation, gentlemen of the jury, that everyone who took a farm from which another was evicted should be denounced. That is not the meaning of it at all. The meaning of it is this—there is a certain association, we have certain objects, and if you join this association, and if you take a farm from which a tenant has been evicted, afterwards you must cease to be a member. It is not a rule even that one member should be denounced, but it is a rule that there is a certain association, and if a man wishes to join that association he must not take a farm from which another has been evicted, or if he has joined it and does so he must cease to be a member. His freedom of action is not interfered with. It is not a rule against the public generally, but against a man who might wish to be associated, but did not wish to act up to the principles of the League. Now, there is a ballad, that has been given in evidence, of which as it is a portion of the documents that we find, I will read for you. It is about that gentleman who is known as "Murty Hynes." Now, gentlemen, you have heard of Murty Hynes——

The *Attorney-General.*—Now, I beg my friend's pardon. He seems to me to be under a misapprehension. That ballad is not in evidence. He thinks it is, but it is not.

Mr. *P. O'Brien.*—I most distinctly identified it with the view of reading it now. I remember that perfectly.

Mr. Justice FITZGERALD.—I find it is adverted to in the evidence as to one of the meetings.

The *Attorney-General.*—Yes, it was spoken of in one of the speeches, but it was not read, and it is not in evidence here.

Mr. *P. O'Brien.*—It is. I put it in the hands of one of the witnesses, and asked him, "Is that what was read?" and he said to the best of his opinion it was.

The *Attorney-General.*—Which of the witnesses?

Mr. *P. O'Brien.*—I cannot remember which of them.

The *Attorney-General.*—I venture to think not.

Mr. *P. O'Brien.*—It certainly is in evidence. I asked him to read the first verse of it.

Mr. Justice FITZGERALD.—All I can say now is it certainly has not been read yet. I was curious to hear it myself, for I had not seen it.

Mr. *P. O'Brien.*—I remember now. It was the man who proved the printing of the placards.

Mr. *Walker.*—Mr. O'Reilly.

The *Attorney-General.*—Refer to the evidence as the shortest test, and stop this discussion.

Mr. *P. O'Brien.*—The name of the ballad is "Murty Hynes," and I will read it.

Mr. Justice FITZGERALD.—Do you propose to read it or sing it, Mr. O'Brien? I should rule the latter in your favour.

Mr. *P. O'Brien.*—My lord, I will read it, if your lordship pleases.

Mr. Justice FITZGERALD.—Oh, no.

Mr. *P. O'Brien.*—Well, as I am not allowed to read this—it is one of the documents, we say, of this Land League—and as they are afraid to have it read I will pass it by.

The *Attorney-General.*—Oh, no, we are not afraid to have it read; but I do not want the case to be overladen with rubbish.

Mr *P. O'Brien.*—Very well, I will let it perish, my lord, with the last count of the indictment. We will sacrifice something on our side also. A *nolle prosequi* having been entered, I will proceed to address you on another point. Gentle-

men of the jury, a few words with reference to the remaining portion of this information. Gentlemen, you have heard a good deal of the law of the case. Allow me again to say a few words on the law. Every count in the indictment charges a conspiracy. Every count in the indictment charges an intent. There is a conspiracy and an intent charged on every count of the indictment. Now, what is the definition of conspiracy, and I will ask you to follow me while I shall give you this according to the formula to which we barristers are accustomed. It is an agreement to effect an illegal object, or an agreement to effect a legal object by illegal means. But, gentlemen of the jury, an agreement is of the essence of the definition—mind you now an agreement—an agreement. Now, there is a popular delusion as to the doctrine of conspiracy. Some people think that because men use expressions here identical with what another man uses there, that, therefore, gentlemen of the jury, that is conspiracy. Now, I will illustrate to you what conspiracy is by showing you what it is not. Gentlemen, conspiracy is not coincidence of opinion—to put it against myself—it is not coincidence of opinion—it is not identity of language. True, there may be evidence of it, but it is not conspiracy. There must be agreement, and unless you are satisfied that there was an agreement between two or more of these gentlemen you must acquit them all. Now, in saying that identity of language is not conspiracy, I put the case, as far as it could be put, against myself. Now, remember the speeches that have been delivered and I think you will do me the justice of saying that I always endeavoured to read every line of the speeches spoken by my client, Mr. Sullivan. My object was to read every line of his speeches; but, mark you, that identity of language is not conspiracy; mark you what has taken place in this case—you remember how differently they spoke—how different were their ideas. What says Mr. Biggar at Cavan? "Twenty-years purchase," says he at Cavan, "to the landlord." What does Mr. Parnell say in Cork? "The Prussian system," says Mr. Parnell at Cork. "Pills," said Nally at Maam; "Put down that, Stringer," says a voice in the crowd, "put that down." "Prince Edward's Island," says Mr. Sexton at Westport. "I'll tell you what that is," and then Mr. Sexton develops into a long speech on the different systems of Europe. What took place in Prince Edward's Isle. There was a certain system of landlordism there like this that we are attacking here, and, gentlemen, the landlords there were bought out, and that by Lord Stanley, when Colonial Secretary. And that is what Mr. Sexton wants. Then what does Mr. Sullivan say—my client—what does he say. He says "Irish people, hold up your heads; eat decent food; wear respectable clothes; have some moral dignity, and remember that you, as well as your landlord, are fashioned after the likeness of your Maker." That is the language of my client, and every man must approve of it. And then Mr. Gordon makes some inscrutable reference to a mad dog and a soldier with white breeches, and after all this nonsense, Mr. Nally again winds up one remarkable speech after an attack on Lord Randolph Churchill, by saying that these are the opinions which he himself does not believe, and which he never intends to follow. There is the minister of the new dispensation—Mr. Nally the minister of the new dispensation. They say that example is more forcible than precept, but it seems to me to be all precept with Nally and no example—his example lay rather in the other line, perhaps more spirituous than spiritual. But, gentlemen of the jury, all these speeches revolved into one giddy throng of heterogeneous confusion and contradiction, and to say that an agreement, which is of the

essence of the case, is to be inferred from this—why, I submit to your better judgment that it is rank nonsense, and you cannot find them guilty unless you are satisfied there was an agreement between two or more of them. It is not agreement because two or more have used the same language, or have been coincident in opinion. Unless you find the fact of an agreement, you are bound on your oaths to acquit them. And what must be the character of the agreement—of unlawful intent?—Two things are of the essence of the count. The agreement one, and the agreement for a certain evil criminal object secondly; and unless, gentlemen, the intent is proved—not as an inference of law, but as a matter of fact, to your satisfaction—you are bound to acquit them. Now, let me say a word on another point. You must find, before you convict these men, that they agreed, and that they had when they agreed, as a matter of fact, existing in their minds, the intent to do the object that is laid against them—the impoverishing of the landlords. What was their object here, as stated in their chart? To effect a peasant proprietary. Where is there a single word about impoverishing the landlords? Not a single word. And are you, who owe so much to freedom of speech and the right of public meeting, to hold men responsible for isolated expressions here and there at meetings, when on the written objects of this organization there is not a single word or syllable to indicate that they intended to impoverish the landlords. Now, again it is said, forsooth, that they incited the tenantry to break this contract. Now, one word upon this—"to break their contract." Gentlemen of the jury, I ask you is that the fair result of the speeches that were made—and bear with me for one moment. To break their contracts, mark. Now, "contract" as applied to the Irish tenant bears with it a sort of grim irony. Contract implies freedom of judgment—option to refuse. Let me pass on—refuse when the agent is sent round to impose a rent, and with the alternative to the tenant of the poorhouse or the grave. Let me pass on. Gentlemen of the jury, they are charged here with inciting the people to break their contracts. Why, from the very circumstances, that contract could never have been fulfilled—the circumstances of the time prevented the contract being fulfilled. Three bad harvests, and the arrears of rent, and it was impossible that there would be sufficient assets to discharge all the legal liabilities. But, gentlemen of the jury, what one or two of them may have said was to direct their attention to the fact of a moral distribution of a fund that was inadequate to discharge all legal liabilities. The shopkeeper had got his judgments by scores—the shopkeeper who had assisted them, and gave them seed and food, had got his judgments, and the banker who had given them money to keep them alive had got his judgments. It was impossible to pay them all. Gentlemen of the jury, the contracts could not be fulfilled in any case. So, gentlemen of the jury, having regard to the circumstances of the time, it is absurd to suppose that they incited. They merely told the tenants in an isolated manner, here and there, that they were discussing the moral distribution of a fund that would be inadequate to discharge the legal liabilities. But before you hold them responsible again for anything of the sort, there must be the agreement—there must be the intent. Now, another great point has been made by the Attorney-General about what is called social and commercial excommunication, and which he said had received recently the modern name of "Boycotting." Where is there a single syllable in the charter of the League about anything of the sort? Gentlemen, we know that this thing called "Boycotting" was of local origin altogether, arising out of the spontaneous aversion to

individuals. It was never authorised by the League, never contemplated by the League. It arose altogether and had a local origin in the spontaneous aversion to individuals, who are alleged to have exercised a petty tyranny, and, gentlemen of the jury, the League never contemplated this. There is not a word about this in its written charter, and if there is a shout from the crowd in Mayo of "Boycott him" then it comes to this—are you to hold a man responsible for what may be said in the precipitancy of speech or in the precipitancy of language when their written charter is utterly free from anything of the sort. If I wished, gentlemen of the jury, to retort against the landlords, if I wished to say something about the history of the past, I think I might easily indicate how many a poor shopkeeper in country towns has been socially and commercially excommunicated because he gave a wrong vote in times past. That is a weapon that has not been invented by the Land League, and it it was first seen in the ruthless hand of the oppressor — that it was furnished to the people of the country—that they dragged it from the hands of these tyrants. And, gentlemen of the jury, let me say one word about another matter. The country has been assailed—its character has been traduced, on account of the sympathy that is supposed to be shown with the assassin of Lord Mountmorres. We have been assailed before the Empire on account of it. In England we have become a by-word on account of the sympathy that is supposed to be shown for those who killed him. The expressions used by Mr. Gordon were dragged in here to sustain that. The count that is now no more—the count that is gone.——But let me put this to you. Why did they not give in evidence the notes of the meeting held immediately after the shooting of Lord Mountmorres? We brought that out on our side most clearly. We showed you that at the meeting at Clonbur—we traced the report of it into the hands of the Crown—and why don't they in their particulars here give us particulars of the meeting? Do they make any reference to that? In their written particulars there is not a reference to the Clonbur meeting—in the evidence on the table there is not a reference to the Clonbur meeting. It was well known that language of denunciation was used by the speakers there with reference to the murder, and they did not, gentlemen. put up one single witness to prove it, although they got notes and we were traduced before the face of Europe—that we showed sympathy with the assassins of Lord Mountmorres. Now, gentlemen of the jury, there is one rule of the League—and I think I will perhaps close my observations before their lordships retire for luncheon—there was one rule of the League, and it was this—that sectarian prejudice should not be allowed—should not be allowed, gentlemen, to mar their good work. Happy would it indeed be for Ireland if that doctrine had been promulgated and enforced long ago. No one of the traversers ever enforced that doctrine more ably or more eloquently than my client, Mr. Sullivan, of the *Nation*. It has been the great object of his life to endeavour, gentlemen, to bring the Irish people into a brotherhood of Christian love and patriotism. I will read as part of my speech a short poem which he wrote some years ago. I think I can make this my own.

Mr. Justice FITZGERALD.—If it is a good one, I will be anxious to hear it.

Mr. *O'Brien*.—On the initiation into this country of the Home Rule movement it was supported by some of the leading Protestant gentlemen in Dublin—Mr. Butt, Mr. Maunsell, Mr. Galbraith, and others. Mr. Sullivan, remembering the volunteers of Lord Charlemont, hailed

their coming with joy, and, gentlemen of the jury, wrote a poem entitled "Union," which I will read:—

"It may be true—that fair eternal token
Our eyes have seen, our joyful hearts have hailed.
They may be true—those words of friendship spoken,
To generous souls, whose lips have never failed.

It may be that some sweet healing process
Has touched the evils of our land at last,
And brings us peace and glory for the losses,
The pain, the shame, the sadness of the past.

For true it is no feud can live for ever,
No bitter memory always sting and gall,
Hate's wicked promptings, faction's vile endeavour
Faint, fade, and die: love triumphs over all.

And it may be in this our generation,
The holy time draws near and is at hand
When the old strife that rent our hapless nation
Shall rage no more, shall perish from the land.

Oh, lead then on! all doubts and fears are errors,
Dread not the spectres conjured up to view,—
Heed no dark tales of new or olden terrors,
Trust Ireland's people, they are brave and true.

Reach forth and grasp the hands they have extended,
Help their good work while yet they need your aid,
And in the land made free, serene, and splendid,
In love and joy your toil shall be repaid."

Everything my client said, and everything my client did, breathed the same spirit that pervades these lines, and that is the man you are asked to pronounce as a conspirator. Gentlemen, Mr. Sullivan is a man of great patriotism—a man that, if occasion required, would put his head on the block for his native land. Gentlemen, your country holds out her hands to-day. She points, gentlemen of the jury, to your brethren, exiles in foreign lands, and to the ceaseless departure of her children; and she asks how long is the exodus to continue? She points to her ruined homesteads and neglected fields, and she asks you is desolation to reign for ever. She points to an impoverished people in a fertile land, and she asks you how long shall the beneficent intents of nature be counteracted by the selfish designs of men? She points to the dark caverns where her outcast sons whetted the instruments of revengeful assassination, and she appeals to you not to drive them to madness and crime. She points to the Continent of Europe where, that happy system of land law advocated by my client, has scattered plenty over a smiling land; and she calls upon you for your verdict—for a verdict of acquittal—in the fearless assertion of your privileged position. Respond to your country's call. Hand down that glorious verdict, and the pent up agony of the Irish peasant heart shall be relieved by tears of joy—holy tears, the tears of a nation's gratitude; and believe me that if in the time to come any party in the State, unmindful of past traditions of their history, shall dare again to dig down into the graves of the law for this rusty weapon of tyranny, posterity shall proudly read your verdict, where freedom's hand has inscribed it in the archives of humanity.

Mr. Justice FITZGERALD.—Who will next address the jury?

Mr. *Macdonogh*.—Mr. Curran is next.

Mr. Justice FITZGERALD.—We had better take our twenty minutes now.

On resuming after the adjournment,

Mr. *Curran*, addressing the jury, said—My lords and gentlemen of the jury—In this case I appear for Matthew Harris, John W. Walsh, and John William Nally, and gentlemen I shall, in the first place, deal in my observations with the case of the first two named gentlemen, and conclude my observations in defending Mr. Nally. There are times, gentlemen, there are causes which give an exceptional dignity and an importance to the functions of the advocate. This happens when, no longer confined to the consideration of private interests, he is called upon to plead in defence of public rights, and to undertake the cause of a suffering people. Then it is that his position becomes solemn, for the responsibility devolving on him is the gravest that any member of a community can undertake. This is the position which I now occupy. These are the feelings which have engaged my mind whilst about to address you. And, if I do not shrink from this great charge, it is because there are two considerations which give me confidence. One reminds me that there exists in the human heart a principle of justice, infused by its Divine Creator, which cannot fail to guide the reason, as the helm a ship, however it may have been shaken by previous gusts of passion and of prejudice. The other consideration is this—I have a country for my client. It has been well said that you cannot indict a nation. The attempt, indeed, has been made on other occasions as well as this, but it has always ultimately failed. And what has been the essential cause of that eternal failure? It is for the reason that the fundamental principle of a people—the prime motor of its united action—is justice—must be justice, or else human society should fall asunder for lack of cohesion. Truth is the substantial basis of its very existence—the vital impulse of its being—the very breath of its aspirations. Now if ever this were applicable to any section of mankind, it surely must apply to that community of whom, over two centuries and a-half ago, an English Attorney-General said—"There is no people under the sun who love equal and indifferent justice like the Irish," and of whom, but a few years ago, the present Premier declared that "the cause of Ireland had always ultimately triumphed because it was based on justice." But it has never triumphed without a struggle, without encountering violent opposition which at times seemed to crush it to the earth and silence it for ever. Dryden ought well have composed his classic parable of the "Panther and the Hind" to describe the long continuing contest; but the Irish people's cause, like that white Hind—

> "Though often doomed to death,
> Was fated not to die."

Gentlemen, I feel proud of my position here to-day—proud when I recollect that I am defending and have been selected as one of the counsel to defend the thirteen gentlemen here charged at the Bar, against whom the severest charge the Crown can bring is that they loved their country—dear old Ireland—if not wisely, too well.

But proud as I feel to-day in representing these traversers, that pride sinks into insignificance when I feel that I represent here in addressing you to-day the cause of our country, Ireland. The history of our

country, gentlemen, has been for generations past mixed up with oppression, mixed up with coercion and woe, so mixed with suffering of every description that the wonder is that its inhabitants have not long since risen, in the words of Mr. Bright, and "hurled its oppressors into the sea." And well might that great statesman exclaim, "there hangs over that country something like the shadow of the curse of past wrongs, and there are amongst you memories that will not sleep." To write the history of the peasantry of Ireland, to tell of their conquest, persecutions time after time by foreign settlers, their sufferings past endurance caused by those iniquitous penal laws which so long disgraced the Statute Book of England, directed not so much against them as against their religion, to prevent them becoming the owners of the land of which they had been so ruthlessly despoiled. I say to write a message of peace, to write of entreaties for redress, disregarded time after time, to write of the brutal butchery of women and children, of starvation, destitution, oppression, and tyranny is to write the history of our country. Can it be then wondered at, gentlemen, that a shout of exultation should go up from the breast of every Irishman when oppressor and oppressed meet for the first time before two impartial judges, before, I hope, a sympathising, impartial, and, I am happy to say, unpacked jury. Is not that cause for exultation to every true-hearted Irishman that hears for the first time oppressor and oppressed meet face to face to try the battle out, and am I not reminded of the words of some of the speakers, when they used that language metaphorically, "that landlordism was brought to its knees." Was landlordism brought to its knees yesterday, when with a court and jury to hear their case out, when they had an opportunity to prove or disprove the case against the tenantry of Ireland, they shrank from the investigation? Gentlemen, conceal it from yourselves as you may, however clothed in legal garbage it may be by my learned friend, Sergeant Heron, when he comes to reply, the case here to-day is not whether Charles Stewart Parnell and the other traversers were guilty; the case here to-day is not that case, but it is whether landlordism has redeemed itself. Whether landlordism for Ireland has for ages properly and effectually performed the duties belonging to it, which in so far as they affect the traversers and the cause of Ireland, will receive a blow it will not recover from for many, many years. And when I speak of the cause of Ireland, I speak of the tenant-farmers of Ireland, because in an agricultural country like ours, they are its bone and sinew. Convict the traversers here, and you acquit landlordism of every charge laid at its door. Convict the prisoners here to-day, gentlemen, and notwithstanding the protestations of the Attorney-General, you will tie up his hands and the hands of the Government in bringing in any fair and substantial bill for Ireland. Convict the traversers here to-day, and a shout of triumph will go up to-morrow from the throats of the oppressors of the Irish tenantry in England and Ireland that will astonish the civilized world. On the other hand, by your verdict acquitting the traversers, and for generations the tillers of the soil, looking up to the King of Heaven who created him, standing on the soil which, I might say, he himself created, will call down everlasting blessings on the memory of those who, by their verdict, first gave a crushing blow to that terrible system, and restore to this unfortunate country peace, plenty, and happiness, and so enable him to look up to that common Creator a free man. Gentlemen, the proceedings in this case suggest comparison with the memorable trial of the Liberator. The learned Attorney-General in this case has put into requisition the

rusty weapon of conspiracy—a weapon too often used to strangle the liberty of the people, or to destroy the foes of tyranny and oppression. On that very ground, gentlemen, and for that very reason, a jury should be particularly guarded before allowing their minds to be influenced against one man by the declarations and the acts of another. My learned leader has undertaken to prove to you the necessity for this agitation during the year 1880, and has he not done so? Has he not abundantly done so, and has it not been suggested in speech after speech that there was some such necessity, that there was an urgent necessity in the year 1880, for agitation, which ought satisfy you as reasoning men. I am not going into the history of the past or the present. That has been abundantly travelled over by the gentlemen who have preceded me; but I may refer to one or two salient points. The experience of the famine of 1845, 1846, and 1847, and the experience of every one of us was, that murder after murder took place, murders ten times more numerous than took place in the present age occurred immediately afterwards. We knew of a terrible calamity that had befallen the Irish nation in the year 1880, and in the latter part of 1879, and when I say that many, I say that all here recognised the signs, not the probability, but the certainty of a terrible famine in the year 1880. What was the state of facts then? Eviction after eviction falling like snow-flakes, as my learned friend told you who preceded me, not counted by the hundred, not counted I might almost say by the thousand, but eviction after eviction followed upon the non-payment of rent in the famine of 1846. One would imagine that the heart of a landlord would have been melted if it was even stone by the occurrences of that year; oh no, you had immediately after that, eviction following eviction; famine, crime following eviction, and eviction following in its footsteps. I refer to the Derryveagh evictions where crime followed eviction. That was the state of affairs so far back as that. In the year 1870 the Land Act was passed, and that Act did a great deal of good to a certain extent in Ireland, but to a very limited extent; it did not prevent eviction for non-payment of rent. My learned friend, the Attorney-General, interrupted Mr. Macdonogh when Mr. Macdonogh happened to say there was no compensation if a man were evicted for non-payment of rent. He said, "Oh, yes, there is," and Mr. Macdonogh accepted the correction; but I say there is not, and I will tell you the reason. A man who is evicted for non-payment of rent is not worth a shilling as a rule; he has to leave the farm because he has no money to pay the rent. He has certainly under the Land Act a claim for compensation for improvements, but against that there is the eighteenth section, and the chairman is allowed to consider all the equities of the case. But, oh, you horrible man, you put a landlord in this case to the expense of an ejectment; there is about two or three years' rent in arrear, and you must go out. There was a hanging gale which the man kept in his sleeve and put him out when he liked. What was the result? £10 compensation and £45 rent; the tenant could take his change out of the balance; that is the usual result of compensation for improvements in ejectments for non-payment of rent. Following on from 1870 to the year 1880 there was a terrible calamity hanging over Ireland. Those gentlemen who consider Irish history, who consider the case of Ireland, must then have known that if similar events took place in 1880 to what took place in 1846 and 1847, the annals of Ireland would have been stained by murder after murder, because you are dealing with human nature; and if a man's entire household—take such a day as yesterday—if his wife, and family, and little children are turned out by the landlord without a roof to cover them—

it is very well to say murder is not allowed—you cannot excuse it—but one would be almost tempted to palliate it under the circumstances—and from the study of Irish history they knew the only thing to save Ireland, having regard to the experience of the former famine, was to stop eviction. That knowledge was not confined to the gentlemen whom I represent, and who, I say, represent Ireland in this matter; it was not those only, the Liberal Government of the day, Mr. Gladstone, Mr. Bright, the Right Hon. Hugh Law, all these men saw the necessity for something to stop eviction so as to prevent the recurrence of the scenes which took place in 1848. And accordingly the Disturbance Bill was brought in. It may be said it was brought in to aid the tenants; I say the deliberate object of that Bill was to keep the peace, and for nothing more, it was brought in, gentlemen—and we have speech after speech of my right hon. friend on the other side, who certainly, gentlemen, here represents the landlords, and on the other side of the water, the tenants. We have the speech of the Premier, the speeches of Mr. Bright, and others, going to show the absolute necessity there was of some such law, all agreeing in the arguments of the traversers here at this Bar. I will show you presently, when I come to deal with the landlords' Bill, but you have that Bill, gentlemen, turned out ignominiously from the House of Lords. And what were the people to do then? That was the state of the country so far as the history of it is concerned in the year 1880. I am not going further to refer to it. I think it would have been fair to my clients if this case were brought in—landlords' indictment though it be—by the Crown without involving them in the terrible accusation, because it was a terrible accusation, by the Crown here—that they were responsible for the observations of persons here and there through the country, and in no way connected with them. The deliberate charge of the Attorney-General was that, though the object of this conspiracy presumably was the relief of the tenants, the direct object was murder and treason. Over and over again the learned Attorney-General said these men are responsible for the utterances of Nally, because the learned Attorney-General said he was a paid agent of theirs, and if they did not approve of what he was doing, why did not they dismiss him. There was, I say deliberately, a charge of murder made against my clients, and I would ask you now not to allow the Crown to recede from the charge, and if they don't prove it they prove nothing. So far as my clients are concerned, gentlemen, I hurl back in the teeth of the Government that charge, and I say it is false. Gentlemen, it may be said that I am imputing to the Attorney-General what he did not say. I shall read one or two passages from his address to you—"But you must pay ten shillings for a licence," referring to Mr. Nally's exclamations, "'You all know the vermin I mean.' Nobody can doubt what that means. I believe the words of the Act are crows and magpies, but I believe they include vermin, and men capable of using such expressions are the paid agents that come about organizing, and for every word he says, and for his actions, his fellow-organizers are responsible. They have chosen to use him and they are responsible for him. Why did not they stop him if they did not approve of him. . . . . That is a new mode of carrying on legal or constitutional agitation, to indicate murder as the means, and expelling the owners of property as the object." Now, gentlemen, that is certainly rather strong language, and when the learned Attorney-

General states in introducing the case that that was the object of the conspiracy I ask you by your verdict to tell him that he has failed in proving the terrible charge against my client, and I say, so far as the Government is concerned—not so far as the learned Attorney-General is concerned—it is a deliberate falsehood. As he did not prove that, he has proved nothing. Who ever believed that Nally meant what he said? Nally was allowed to go about here and there and everywhere—according to the learned Attorney-General, he was going about for six months as their paid agent with remonstrance. Gentlemen, who allowed Nally to go? Was it my clients or was it the Government? Did the Government allow Nally and the other defendants who were in no way concerned with the Land League or any of its objects who have objects of their own—to use expressions of their own—why did the Government allow Nally and these other persons to go about the country? For the purpose of achieving a victory in 1881, which they failed to achieve in 1880. Did they allow Nally and those parties not connected with the Land League to go about the country for the purpose of frightening the landlords in England to yield in 1881 what they refused in 1880? Gentlemen, I leave that to you.

Gentlemen, what is the cause of the misery in Ireland, the cause of our misery and evictions, and rack-renting. Why, let me ask you, did this calamity which but scorches another nation, leave us prostrate? On account of eviction. Leave nothing to the unfortunate man, in case a rainy day comes, to support him. Why are the annals of our courts stained with agrarian crime and outrage? Because of rack-renting and eviction, they have paralysed the industry of the tenant-farmer—the dread of eviction. What causes our rural population, otherwise more free from crime and vice than other people of Europe, to connive at outrages we must all deplore? Sympathy with the evicted. What causes the workhouses—those wretched monuments of degradation and poverty—to rise up in our midst? Evictions. What has dispelled so many millions across the water, leaving their families? What has caused so many families to be split up, sending their children, or perhaps the father and mother, to America? Evictions. Why, gentlemen, are the peasantry of every other country in the world free, prosperous, and happy? Because there are no evictions. Well, gentlemen, I took occasion to read over a report which was presented to the House of Commons from inquiries made in the year 1869, and reported on in 1870, as to land tenure in Europe, and certainly I saw there, gentlemen, a very, very striking tale. One of the queries addressed to the Ambassadors and Consuls through Europe in that inquiry was—"Are evictions frequent, and from what cause?" And now, gentlemen, it may perhaps take up ten minutes or about a quarter of an hour of your time, but it may be some advantage to the country, to you, and to the Court, if I now give you the result of that inquiry, and, gentlemen, I shall let you know the countries in which evictions are frequent, the countries in which they are and where they are not, and you will see that where evictions are frequent the country is unhappy. Where evictions are rare almost over the world—as they are almost over the world, except in our own poor unfortunate Ireland—the tenants are prosperous and happy. Gentlemen, the queries are—"Are evictions frequent, and from what cause?" Now, gentlemen, as to evictions for non-payment of rent, the Duchy of Saxe-Coburg Gotha——

Mr. Justice FITZGERALD.—I am afraid, Mr. Curran, you are exceed-

ing your right. I do not object to your alluding to it, but you are now proceeding to read a document that none of us—at least I have not seen it, has been referred to now for the first time in the case.

Mr. *Curran.*—I am only referring to it, my lord, as a matter of history.

Mr. Justice FITZGERALD.—I don't object to your referring to it generally, but I hope you are not going to read it.

Mr. *Curran.*—I will not read the report, but short extracts from it. I will go into the substance of it.

Mr. Justice FITZGERALD.—I hope not. I cannot allow you to read it.

Mr. *Walker.*—State it in your own language.

Mr. *Curran.*—At all events, gentlemen, the result of the report is that in every civilized country, not only in Europe, but over the world where the English Government had a representative that query was sent, and, with two or three exceptions—one of them being Turkey—the answer is, "Evictions are almost unknown." That, gentlemen, was the result of this inquiry; and, gentlemen, if it were told to the English Government that in Turkey an Act of Parliament similar to the one referred to by my learned friend, Mr. Peter O'Brien, to-day was from the very necessity of the case required, if you were told here, or the English Parliament were told, that the Turkish Government allow the landlords to act in such a manner to their tenants that an Act of Parliament had to be passed preventing eviction on Christmas Day, how soon would there be a British fleet in Turkish waters? You have that there, gentlemen. You have that Act, a terrible Act. I say the reading of that Act leaves condemned before the civilized world the landlord system in Ireland. If they never attempted evictions on a Christmas Day and Good Friday, where was the necessity of passing an Act of Parliament to prevent them? If they were never in the habit of pulling down the roof over the heads of the people inside, where was the necessity of passing an Act of Parliament to restrain them? If the result of putting out the people in this wholesale manner from their homes was not to fill the poorhouses, to create poorhouses in the district, why was it necessary to make provision in an Act of Parliament that notice should be given to the poorhouse authorities before evictions could take place? Gentlemen, I say that Act, without fear of contradiction, leaves before the world landlordism in Ireland proclaimed—what we say it is; what my learned friend, Mr. Law, says it was; what Mr. Gladstone says it was; and Mr. Bright says it was. That system would be allowed to exist in no civilized country but unfortunate Ireland. Now, gentlemen, dealing with the matter which you have to investigate, I have informed you that the charge is one of conspiracy. And to my mind, gentlemen, upon that charge you will have three questions to investigate. First of all you have the conspiracy itself. You have to inquire whether or not these parties conspired. You have to inquire also whether they spoke as the constables and other witnesses swore they did speak, and then, gentlemen, you will have to investigate the intent with which those speeches were made. Now, gentlemen, I would ask you to be guarded in allowing yourselves to be convinced of a conspiracy as a matter of fact, because you may be satisfied that the speeches were made. The speeches, gentlemen, which, if you believe they were made, are proof as well as evidence that they were in fact made; but the speeches, even though you believe everything sworn to by those constables—taking one-fifth only of what was said, and in some instances only one-tenth—are not proof of a conspiracy, but they are evidence from which you may draw, from the fact of their having used those expressions, the further fact that they did conspire. But speeches

themselves are only evidence and not proof of a conspiracy. You must be satisfied over and above this, not only that the gentlemen spoke—that they made these declarations—but satisfied beyond all doubt in the matter that they made those declarations in consequence of preconcert, in consequence of conspiring. Now, gentlemen, you have to deal here with the evidence of these constables. I shall presently go in detail through some portions of the evidence, but you have to deal with the evidence. You must bear in mind who those constables are. Who are they? Some of them coming here have told us that they began to learn shorthand about eighteen months ago, and no person could possibly take a fair report who was only writing shorthand for eighteen months. The result is that some of these constables gave you only one-fifth or one-tenth of what a man said, and I would ask you to cast away altogether the reports of the constables, because it would be very unfair to judge a man's observations from a portion or even a half of what he says. A speech may loose its meaning by the omission of one sentence, and so far as my clients are concerned it is not their fault that the Government did not send proper reporters to take the speeches. Every facility was allowed them, every latitude, every convenience for writing was afforded them, and if the Government did not go to the expense of sending down proper reporters to report these men—that is not my clients' fault, and you are not to condemn my clients with the consequences of those reports containing not one-half of what was said. Now, gentlemen, a good deal of documentary evidence has been given in this case—I am dealing now with the conspiracy itself—a good deal of documentary evidence has been given in evidence. You have been referred to the letter of Mr. Harris. Well, that letter never was read, but I am not afraid of it, because it is merely a letter similar to that of Mr. Devoy's, suggesting that Nationalists might join this movement. Now, my learned friend, the Attorney-General, says that the indirect object of all this was to get Repeal; but here is a letter from Mr. Harris and one from Mr. Devoy each urging Nationalists to join this movement, saying that there was nothing in this movement antagonistic to the principles professed by the Nationalists, and that's all. I had intended to refer to a passage in Mr. Devoy's letter, but it has been referred to by Mr. O'Brien, and I am not going to go over the same ground again, and the same remark applies to the address issued by the Irish people as well as to the card of membership. But I assert here that every object expressed in the card—in that declaration and in that card—every object is a legal one; and my learned friend, the Attorney-General, so admitted, because he stated in his address to you that so far as he could gather the objects were legal; but where they erred was in using illegal means. There was one other document referred to several times, and his lordship suggested that it ought to be read—that is Murty Hynes; and, my lord, I find it is in one of the pages of the *Nation*, put in by the Crown.

Mr. Justice FITZGERALD.—We said so; it had not been read on either side.

Mr. *Curran*.—It seems to be a formidable document, and, perhaps, you will let me give it to the jury.

Mr. Justice FITZGERALD.—The only effect of reading a document of that kind would be to throw the case into ridicule, and I shall not permit that.

Mr. *Curran*.—Very well. Gentlemen, my object in attempting to read it was for the purpose of showing that there was nothing dangerous in it so far as the Constitution is concerned.

Mr. *Macdonogh*.—And that must be assumed.

Mr. *Curran.*—And we assume that now, gentlemen. I ask your attention for a short time to the indictment. Now, gentlemen, there were the day before yesterday nineteen counts, at present there are only eighteen, so that so much of your time is spared, for I shall not have to refer to the nineteenth. But, gentlemen, the intent—now I am dealing with the intent—I shall presently refer to the conspiracy and to the object of it. But let we ask your attention to the intent laid in the several counts. Now, the intent laid in the first eight counts is to impoverish and injure owners of farms let at ordinary rents and above the Poor Law valuation ——

Mr. *Macdonogh.*—And landlords——

Mr. *Curran.*—No, owners of farms.

Mr. *Macdonogh.*—Landowners.

Mr. *Curran.*—No—very well, landlords and owners of farms let at ordinary rents and above the Poor Law valuation. That's the object as stated in this Bill. I have stated that the real object was not to impoverish and injure the owners of farms. It may have so occurred in this great agitation for the improvement of the Irish tenant farmer —it may have so happened in this great agitation in the year '80 for preventing the scenes which had occurred in '48—preventing the eviction of tenants which then was followed by crime and outrage; it may be that one of the incidents of this great agitation was that some parties were injured. And no great agitation, as shown to you by my learned leader, ever yet took place that did not injure some parties. But that was not the intent of my clients. They had something nobler in view than the impoverishment of landlords. Their intent was something nobler still—it was to fix the tenant in the soil. That was their intention; and if the landlord who for so many years in Ireland, if the landlord who for so many centuries in Ireland, if the landlord by his conduct brought all this about, who is to blame? As in '49 the law was obliged to step in, so we see that even the law aimed at them and reproached them with their conduct, leaving their conduct proclaimed as unworthy in all civilised Europe. And, gentlemen, the same as in '49, did that cause evictions to stop? No, because you saw in the year '80 those terrible figures read by Mr. Macdonogh, you saw that in the year '78 the evictions were something about 500—the average for three years past. In '79 these landlords, not waiting for '79, for '79 was almost as bad as '80, not caring whether these poor people had the where-with-all to pay rent, not caring what became of the people, whether they went across the ocean to America or whether they went to the poorhouse—the landlords of Ireland took advantage of that terrible calamity, and in '79 doubled or nearly trebled the number of evictions of '78. In other countries, as I could have shown you by the report, the landlord never asks rent until the harvest is in. But in '79 and '80, before the harvest was in, before it was known whether it would be a good or a bad harvest, before the tenant knew where he was at all, the ejectments up to the 20th June were equal in number to the entire of the previous year, which was double that of 1878. And it is said that your intention here is to impoverish the landlords. If you are to judge men by their acts, and you are told you must judge them by their acts, how can you judge the landlords—have they not been acting to impoverish the tenants since the existence of landlordism in Ireland. And I defy you, gentlemen of the jury, attending to the facts, to find here that the object and the intent of my clients was to injure and impoverish the landlords. Gentlemen, it was said they wanted to prejudice, harass, and annoy

the landlords—the impoverishing and injuring the landlords refers to numbers one to eight; then in eleven to twelve, and fifteen and sixteen the object is stated to be to impoverish those tenants who have taken farms from which tenants have been evicted for non-payment of rent, and that an impossible rent. I deny that that was the object; but the object was to prevent them evicting. The object of my clients was not to prevent farms being taken—that might have been a means but not the object; and you will find that the conspiracy in all its counts to do this thing—the object of the conspiracy was not the object of my clients, it was only one of the means. The object was not to harass or annoy or impoverish the landlords, but to prevent evictions. The eleventh and twelfth counts say the intent was to impoverish the landlords, by preventing the taking of farms from which tenants have been evicted for non-payment of rent. I deny that, and the very argument I used before applies here also. I deny that it was intended to harass, injure, or annoy persons desirous of taking or occupying farms from which persons had been evicted for non-payment of rent. That was not the object of the conspiracy. That was a means to an end, but they did not conspire to do that. They conspired to do something nobler. That was a means. If you find they did not conspire, and that the object of the conspiracy was to prevent eviction, the Crown may say that is a crime, but we are not tried for that.

Mr. *Macdonogh*.—There was no conspiracy.

Mr. *Curran*.—There never was a conspiracy here, as I will show you presently. Gentlemen, there is another intent to which I will refer. We are charged with conspiring to bring into hatred and contempt writs of *fi. fa.* and ejectments for non-payment of rent. They never did that. I deny that there is any proof of that. Admitting for a moment that there is a conspiracy—I am only dealing with the intent, but I deny the intent—what I say is did they ever conspire to do that? Is there a suggestion that they conspired to frustrate, hinder, or bring into contempt writs of *fi. fa.* That was not the object of some, although suggested. But did they conspire for that? The object is attained by this means. They say "Don't take lands from which another has been evicted, don't buy or sell, and in that way prevent landlords evicting." But, though that may have been their intent, there was no conspiracy, and I will show you that in a satisfactory manner when I come to deal with conspiracy under that head. Now, gentlemen, I have charged this to be a landlord indictment, and I think I shall be able to show you, gentlemen, that it is so—a landlord indictment brought here by the Attorney-General, who has been hounded on by the representatives of landlordism in England. Was there a conspiracy? I deny that, gentlemen, and I think when I come to deal presently with the evidence I will show you that there was no conspiracy—no combination. They took gentlemen, some three or four gentlemen here in Dublin who are supposed to be members of the Land League. The objects of the Land League you have had before you. These, gentlemen, went through the country making speeches with the intention, some of them, of helping tenants in the neighbourhood, but where was the evidence of conspiracy. You will find that almost every single one of them differed in the means of carrying out what they wanted. Every single one of them. You have the Communism of Mr. Thomas Brennan. You have, on the other hand, the Catholicity of Mr. Sheridan, and the Nationality of Mr. Sullivan—all brought to bear upon attaining this one end. You have one saying, "Pay no rent at all;" you have another saying, "Pay no

rent this year;" another, "Pay no rent except Griffith's valuation;" another, "Pay no rent except the rent fixed by the local organization or league;" you have another suggesting, that you ought to petition Parliament; another suggesting that they ought to do it by disavowing any connection with the British Government; another saying, like Mr. O'Sullivan, that compensation for twenty years should be given to the landlord; another, like Mr. Gordon, saying that they should get nothing at all, while Mr. Nally stated that they should get his pills. You will find that every single one of them differed in the means they suggest for the attainment of this one great thing—the prevention of evictions. They all had—every man in Ireland had an anxiety that evictions should stop. But did they conspire. They were only a few of those who spoke throughout Ireland. You have Catholic archbishops and Catholic bishops speaking and using as strong language as any of the gentlemen charged here. You have priest after priest using as strong language as any of the traversers. You have gentlemen of position attending these meetings and using as strong language, and you cannot convict my clients of conspiring without coming to the conclusion that all these people, in fact, that Ireland itself conspired to attain this end, and conspired by illegal means. I would ask you—especially in a case of conspiracy—not to bind men not present by the words of others at a public meeting. We have high judicial sanction here in this very court for the statement that men are not to be judged by words uttered in the heat of speech. I would ask you not to condemn them, and not to condemn others especially in a charge of conspiracy, if you are satisfied that the object they all had—because that is what you must be satisfied with—the object they all had—the object every man had in attending those meetings, the object of the bishops, the object of the priests, the object of all the parties, was the good of Ireland. And no man could have read the history of Ireland by the light of what has taken place within the last two years; no man could have studied the course pursued by Mr. Parnell since he first entered political life; no man could have seen what he saw during the year; no man could have followed him to America, where he first saw, as a wise politician, that famine was impending here upon our land—when he went to America, and hat in hand begged for his country; he was not ashamed to beg—I say no man could have watched all this—could have studied history by the light of it, without coming to the conclusion at the same time that Ireland is under a deep debt of gratitude to Charles Stewart Parnell. He saw, gentlemen, wise politician as he was, that there must be something wrong with the Irish nation, because when a slight or a great, it may be, calamity befalls her, she stands a beggar before the civilized world. Something must be wrong, and Mr. Parnell set himself about righting it, agreeing in sentiment with everything Mr. Law has said, and agreeing with everything Mr. Gladstone has said; agreeing in sentiment with everything Mr. Bright has said—because he has said and done what it is suggested here he did, he is charged at the bar as a conspirator. Now, gentlemen, I have charged this indictment to be a landlord conspiracy, and we have had here reference to some extracts from Hansard, from speeches made by gentlemen supporting Mr. Law in the House of Commons. My case against this indictment is that it is not an indictment by the Government which boasts of men like Mr. Gladstone and Mr. Bright; it is an indictment which the representatives of oppression in England brought against the Right Hon. Hugh Law, and against Mr. Gladstone and Mr. Bright in 1880; and I think I will show you from observations made during the debates, that

Mr. Law was an attentive listener and reader, and that he has reproduced now in their worst form all the charges made then against him by the representatives of oppression. Gentlemen, Mr. Nally has a friend in the House of Commons called Lord Randolph Churchill, and in dealing with this Bill—this landlord Bill of the Right Hon. Mr. Law, who now is pressing against my clients an indictment for Communism, who is pressing an indictment for spoliation, for taking money from one man and putting it into the pockets of another, and for impoverishing landlords, I shall refer you now to what Lord Randolph Churchill and some others have stated in this debate with regard to him. He said he "would remark generally with respect to that speech," and he was referring to the speech of Mr. Hugh Law, and it is not exactly the speech he delivered in this Court, "that there was one thing in it which filled him with surprise, and it was the tone of vindictive animosity towards landlords which pervaded the speech from the beginning to the end. He should not have been astonished had it been made by the hon. member for the city of Cork (Mr. Parnell), but coming as it did from one of the most able and respectable members of the Irish Bar, he was filled with considerable dismay. It occurred to him that if that speech faithfully represented the views of the Government, the Bill was not merely a temporary measure for the relief of Irish distress—but it was something widely different—it was the commencement of a campaign against landlords, it was the first step in a social war, it was an attempt to raise the masses against the propertied classes." Exactly the charge brought by Mr. Law against us here. Again, Lord Randolph Churchill says—"If the right hon. and learned gentleman were to be judged by the promoters of that agitation from his speech, then those promoters had every right and reason to look on the Law Officer of the Crown in Ireland as their sympathiser, friend and ally." Now, gentlemen, I shall only occupy two or three minutes of your time in reading these extracts—They are very numerous but I shall pass on——

Mr. *Porter*.—Really my lord I object to this.

Mr. Justice FITZGERALD.—I should have interposed earlier. We have nothing to do with these speeches of Lord Randolph Churchill. The objection is that they were not put in evidence at all, and that they are now brought in for the first time.

Mr. *Curran*.—I am not putting them in evidence at all. I am stating them as part of my case.

Mr. Justice FITZGERALD.—You may use any argument you like, but you cannot read the speeches. You may abuse Mr. Law yourself, if you please——

Mr. *Curran*.—I don't want to abuse him.

Mr. Justice FITZGERALD.—You cannot read one speech of Lord Randolph Churchill.

Mr. *Curran*.—There were some others, of even higher rank, made similar speeches; but I have read sufficient to show you what charges the representatives of law and order in the House of Commons and in the House of Lords brought against the Government represented here by Mr. Law. And I say Mr. Law was an attentive listener, and we have the charges made against him reproduced against my clients. You have had speeches proved to you of the right hon. gentleman—speeches which reflected credit upon him. You have had speeches of Mr. Gladstone—speeches which reflected credit upon him, and you have had speeches of Mr. Bright—speeches which reflected credit upon him—and you cannot but come to the conclusion that they spoke those speeches; and, I say, if the representatives of the

landlord class in England and Ireland had their way, they would have had Mr. Law a co-conspirator with my clients; they would have had Mr. Bright charged with the same offence, and they would have had Mr. Gladstone charged here as a co-conspirator with my clients—because what Mr. Law said in the House of Commons my clients said through the country, and what Mr. Gladstone said in the House of Commons my clients said through the country. It may be that poor uneducated men —I am not now speaking of Nally, because, as I said at the commencement of my observations, I will deal with his case last—but poor uneducated men holding meetings not in connexion with the Land League, but to cry down some terrible act of oppression in the immediate neighbourhood—gentlemen you will find when I come to speak of the evidence that they were not wholly in connexion with the Land League—but poor uneducated men, it may be, gave expression, not in the same words, but to the same ideas entertained during the year '80 by Mr. Gladstone, by Mr. Law, and by Mr. Bright. They gave expression to the same ideas, the words may have been different. Now, gentlemen it will be necessary for me to take you somewhat in detail through some few of the meetings. Some one of the counsel was bound to do it, and it has fallen to my task, and, therefore, instead of being angry with me for detaining you, you might be satisfied that only one is doing it. I shall only refer you to some few of the meetings, and a few of the speeches made at them, but I shall show you that some of those gentlemen named here—Mr. Gordon, Mr. Nally, and Mr. Walsh were in no way connected with the Land League, they never spoke except at local meetings, and it will be for you to say whether they intended to agree with anything Mr. Parnell did. Nally says, don't join the Land League, join my league. Parnell works with the priests. I will show you presently that Gordon abused the priests. Now, gentlemen, as to Mr. Parnell and Mr. Dillon I shall refer to one or two of their speeches, and I shall show you that the object they had in view was the object stated in the papers of the Land League, and stated on the card. One man made a statement to-day, another man might, seeing it in the papers, have made a similar statement next day. But, gentlemen, that does not show pre-concert, that does not show pre-arrangement, and you must be satisfied there was pre-concert and pre-arrangement before you can convict my clients.

Boyton says, "There have been evictions in Mayo, Galway, and Tipperary, and the caretakers that are watching these evicted farms, and inhabiting these homesteads, are the bats and the owls, and God help the man who dare go near one of them. This poor woman has nine children and is in that little cottage over there, and when six months are over what is she to do?" That is in his speech. "I am here," he says, "to denounce the system." That is what he says. It is not individuals, but the system which would allow a poor woman with her nine children to be evicted and cast out on the roadside. "Another case," he goes on, "is that of a Catherine Reilly, whose Government valuation,"—this was a small meeting at which Boyton spoke, and which was a local meeting —"whose Government valuation is £5 15*s.*, and whose rent is £10 12*s.* She owes one half-year's rent, and she has been evicted." This was all in the commencement of the year, at a time when the people had not got in their crops for the purpose of enabling them to pay their rent—"(a voice, 'Name the tyrant.')" He is called upon to name the person, he is called upon to name the tyrant; but in order to show that it was the system, which Mr. Boyton, who is

one of the defendants in this case, and was connected with Dublin, in order to show that it was the system and not the man he referred to—

Mr. *Porter*.—Is it reasonable to ask if my friend is reading from the report of the Ballintaffy meeting, which is in evidence?

The *Attorney-General*.—If he will kindly give us the page?

Mr. Justice FITZGERALD.—So I understand.

Mr. *Porter*.—It is not in the speech we are reading.

Mr. Justice FITZGERALD.—If he can give us the page we can catch it.

Mr. *Curran*.—What I am reading here is taken from the newspaper. I have read in some instances from the reports furnished by the Crown.

The *Attorney-General*.—That will not do. It is not in evidence.

Mr. *Curran*.—It is a verbatim report.

Mr. Justice FITZGERALD.—We have not a single newspaper report in evidence except some numbers of the *Nation*.

Mr. *Curran*.—I am merely reading from reports of the proceedings.

The *Attorney-General*.—They had them the whole time. Those are not in evidence.

Mr. Justice FITZGERALD.—There was an occasional cross-examination of the reporter employed to report these meetings for the Government as to the accuracy of these newspaper reports, but none of these reports were given in evidence.

Mr. *M'Laughlin*.—There is a misunderstanding, my lord—a very natural one, I admit. I myself fell into it. What he is reading is not the *Freeman's* report of what is used in cross-examination, but it is the *Freeman's* report of the proceedings here from day to day, embodying the extracts from the speeches which were read in the course of this trial.

Mr. *Porter*.—We furnished them with printed copies of the speeches.

Mr. *M'Laughlin*.—We have them here at present, if they were only arranged.

Mr. *Porter*.—There is not one word of that in the speech. We have it here before us.

The *Attorney-General*.—We have the whole speech before us.

Mr. *M'Laughlin*.—There is not the least difficulty in the matter at all. There is a mistake in the name.

Mr. Justice FITZGERALD.—I am not at all surprised. There are so many of them.

Mr. *M'Laughlin*.—It is very natural, my lord. It may be Newtown. No; it is Ballintaffy. It is on the 30th May.

Mr. *Curran*.—Yes; the Ballintaffy meeting, on the 30th May, county Mayo. It is number four in the schedule. You see I am right, my lord. It was at Ballintaffy that Mr. Boyton made the observations to which I now allude.

Mr. Justice FITZGERALD.—Proceed, Mr. Curran.

Mr. *Curran*.—Well now, Mr. Boyton says that he "is here to denounce the system, and I'll just commence with a very few evictions in Mayo." Then he goes on to give instances of oppression, and showing that, so far as he is himself concerned, in that part of the speech, he was carrying out the objects of the Land League themselves; the legitimate objects of the Land League—that is speaking of the system; telling the people that they want to prevent evictions by changing this system, by giving the people the right to call the land their own, by buying it out as Mr. Parnell and Mr. O'Sullivan says, from the landlord, by giving the landlords it may be 25 per cent., but at all events buying it out at a fair valuation. It was the system he was denouncing.

That was not, as suggested by the learned Attorney-General, so suggested, advocating that murder and treason be adopted. "Name the tyrant," the voice cried from the crowds; but he does not name him, "I won't pollute my lips," he says, "with his dirty name." He might have made use of that observation for the purpose of catching the ears of the people, but notwithstanding he refused to tell the name. "Another case is that of Catherine Brennon, who is thirty-two years in possession, and is sixty years of age, and has two daughters. She owes two years' rent, but I went through all the land with Mr. Delany. She showed me this house, and I walked over that land and valued it, and I must say that the man that would take such rents as I have named from widows is nothing but a tyrant and a confiscator. My hands are full of such cases, so I won't go into any more of them. I understand that a series of acts such as these are contemplated on this property." He says, "I am sometimes driven into making observations," but Mr. Boyton went down there and he told the people what exactly the Land League want to do, and that is to keep the people in their holdings by constitutional means. I say again here, with respect to the priest, that if you think Boyton was a conspirator because he made these observations,—he spoke in the presence of Father M'Crea, and that would be as strong, if not stronger evidence against Father M'Crea than against these alleged dreadful conspirators, against these other gentlemen who were not there at all. Father M'Crea says "And the second reason which moves me to take the chair is that I in myself wish to show not by words but by action that the Catholic priests of Ireland are in thorough sympathy with the people of Ireland." The Government represented by my learned friend, the Attorney-General, wants me to believe that the priests of Ireland are co-conspirators with Mr. Parnell in murder and treason. If Mr. Parnell is a conspirator, whose object is murder and treason, so are also the Catholic bishops and priests of Ireland, because, as Father M'Crea says, they are thoroughly with them, and the letters show it. "I have here the cases of eviction that have brought us together to-day. In the first place I went down to the lands and had a look at them. Your friend, Mr. Delany here, pointed them out to me. Do you take a good look at them too. You can see them from where you stand, and then form your own judgment and think what kind of man, if man he is, that has crushed these people. In the first case, there is Mrs. Maria Reilly whose Government valuation is £10, and who is charged by this man a rent of £23 15*s.*" Gentlemen a man is not entitled to compensation when he is put out for the non-payment of rent. There is nothing in the Land Act to prevent a landlord from raising and raising and raising the rent until he has raised it to such a pitch that the slightest calamity, the least bit of famine, prostrates that man. "When this place was first taken the rent was £1 2*s.*," and you see it is £23 10*s.* now, and she was evicted for not paying that rent. Gentlemen, you see under what circumstances an eviction will take place. A farmer paid £1 2*s.* a year for that place when he took it, and after a time a rent of £23 10*s.* is charged. Who made it worth the money? Who has it now? Who has the result of that man's long years of toil? Who but the landlord. Under what system is the landlord enabled to do this? Under the system, gentlemen, which my clients are trying to put an end to. When this place was first taken the rent was £1 2*s.* Not because that was a just value for the land, but to obtain it. And they are now in possession twenty-five years. When other lands gave good crops this land would produce no more than thirteen stones of corn to the acre; and half that rent was tendered to the landlord, but he

refused it unless the whole one and a-half years' rent was paid; but he let her in, after getting possession, as caretaker for six months.

Mr. Justice FITZGERALD.—How much was the rent? Have you read it correctly, that the original rent was £1 2*s*. The valuation, I think, is £15.

Mr. *Curran*.—Well, his lordship may well be surprised at such dealings, but I take leave to say that the report is very good, and that all parties are bound by it. I do not wonder that his lordship with his idea of what is fair play, should be surprised; but I say it is not one instance or two, but a thousand of instances, where that occurs.

Mr. Justice FITZGERALD.—If we had the number of acres I could find it at once.

The *Attorney-General*.—It is only what Mr. Boyton says. If we had the number of acres.

Mr. *Curran*.—This Government valuation is £10, and the rent which was charged to him was £23 15*s*.—"when this place was first taken the rent was £1 2*s*."

Mr. Justice FITZGERALD.—What struck both my learned friend and myself at the same time when it was read was that when the place was taken the rent was £1 2*s*. an acre.

Mr. *M'Laughlin*.—I think, my lord, it means twelve. The one and two have been separated. That is more likely to be it.

Mr. Justice FITZGERALD.—That is more likely.

Mr. *Curran*.—£1 2*s*. per acre would be a very high rent.

Mr. Justice FITZGERALD.—That would be according to the quality of the land and the number of the acres. I think Mr. M'Laughlin has given us the true solution of it.

Mr. *M'Laughlin*.—It is more likely, my lord, I think.

Mr. Justice FITZGERALD.—It is very probable, but it is of no importance.

Mr. *Curran*.—At all events, when there was one and a half years' rent due, and though the half of it was tendered, the landlord would not accept it; he refused it unless the whole year and a half's rent was paid; but he let her in, after getting possession, as caretaker for six months. You will find that in many instances landlords have let people in as caretakers. Do you know what that means? Letting in as a caretaker means that the person can be put out in any week, that he has lost all claim to receive compensation. Letting in as a caretaker means that, notwithstanding you were at the will and mercy of your landlord before, you are still more at his mercy now. These are Father M'Crea's observations, and you will find, as far as I deal with the meetings, that the priests and the people were thoroughly united. As one of them said, "who is the best friend of the people—the priest." The next one I come to is Glennamaddy. There is a peculiarity about these meetings; some of them were what I call merely local meetings, which were held by the people in the neighbourhood, without even a suggestion from the people in Dublin. They were meetings held by the people of the place for denouncing some terrible act of oppression in the neighbourhood, and you will find that Mr. Nally and Mr. Gordon appear to have hunted in couples at these meetings. Now, Mr. Nally says at that meeting—"My friends and fellow countrymen"—and I am sure that in dealing with the case of Nally, I'll show you that he acted altogether upon his own ideas that he attended these meetings—I don't know if it was for the drink that the police plied him with—but he attended these meetings though he was no member of the Land League. The Attorney-General,

in stating his case, said that Nally was a paid agent, and that they had continued him as a paid agent. I was astounded at the statement, and waited from day to day to hear the proof of it. I say on behalf of Mr. Nally that he was not a paid agent. Mr. Gordon has also stated that he was no paid agent of the Land League, that he refused to take money for his services, and I think you will be satisfied that Mr. Nally did the same. Why did Nally go about the country? I have already stated one reason. Nally was a near relative of an evicted tenant. Mr. Walsh stated in one of his speeches that he was the son of an evicted tenant, and that no man knew better than he did the terrible hardship and woe that follows the tale of eviction. And, without doubt, any other—I have a right to state his case.

The *Attorney-General.*—I do not think he states these facts.

Mr. Justice FITZGERALD.—If it appears in the speeches that Mr. Nally said so, asserted that he was, you may read it, but there is no proof of it.

The *Attorney-General.*—There is not.

Mr. *Curran.*—I am speaking here for Nally.

Mr. *Macdonogh.*—Listen to what his lordship says.

Mr. Justice FITZGERALD.—It is a proposition that I never heard before—speaking in reply now to the evidence.

Mr. *Curran.*—I yielded my right—because I thought I had a right to open and reply at the same time.

Mr. Justice FITZGERALD.—You are now speaking to the case, evidence being now closed, and you have no right to bring anything else into it.

Mr. *Macdonogh.*—I am sure my learned friend will yield to what your lordship says at once.

Mr. Justice FITZGERALD.—If he makes that statement, and if it be read against him, you have a right to advert to it.

Mr. *Curran.*—At all events we have it stated that he was a paid agent of the Land League. There is nothing to make you come to the conclusion that he was a paid agent, or even that he was a member of the Land League, which I also deny; but we have the fact that he was the son of an evicted tenant, and I say there is the reply to it. But there is something peculiar about the case of Nally here. It was all very well to treat it in a jocose manner in the cross-examination, and although I treated it in that way I did not feel that it was a subject for merriment. There is something peculiar about his so long making speeches which were reported to the Government, and that there was no stop put to it. There is something peculiar about the fact that he is a man easily affected by drink, and yet that we find him from time to time supplied by the policemen with drink before he went to the meetings. Just reflect upon these facts, gentlemen of the jury. Stringer reported him, gave him drink, and took drink from him. Every man of them except one—one man proved the rule by the exception as he said himself; this man was the only man who did not do it—every constable who came here to prove the speeches of Mr. Nally had either given drink to him or taken drink from him. And Nally was a man known to all to be easily excited by drink. If the Government believed that Nally was in earnest, why did they not stop him long since? I asked one constable how soon—after one terrible speech had been delivered by Nally—how soon afterwards he had sent the report up to Dublin, and he said that he had sent it between two and three days afterwards. The Government of the day—a Conservative Government—had these speeches, and so had the Go-

vernment that succeeded it, and it has been using these speeches for the purpose of crushing this agitation—they had these speeches reported to them within, at all events, a week after the meetings, and when the late Government arrested Messrs. Brennan and Davitt, why did they not also arrest Nally? Because Nally was nothing better than a drunken fool going about, from meeting to meeting, speaking here and speaking there. Was that not the reason why Nally escaped so long? Was that not the reason why they did not believe or pay attention to what he said at these meetings? Why they were aware that he was a drunken fellow, because the Attorney-General put this question to one of the witnesses—"Was Nally drunk at this meeting?" "He was," the witness said. After all, I think it was not fair that the Right Hon. the Attorney-General, representing Her Majesty's Government, should charge my clients with being conspirators with Nally, to say that they conspired with him to achieve their objects by the means of murder; because that was said over and over again. I say it was not fair—and I cannot throw dirt in the teeth of the Government—to press so infamous a charge. It was not fair to watch Nally going from meeting to meeting, letting him go on, and, I say, directly encouraging him—for the police did encourage him—to encourage him in making the observations he made. The police gave him drink, and then took down his words and sent them to the Castle. It was not fair of them to allow that man to go on. And why did they do it? Because, if they did not, they could not have dragged in Mr. Parnell as a conspirator with him. And, I am sure that you, as Irishmen, will tell the Right Hon. the Attorney-General, representing Her Majesty's Government, that whatever Mr. Parnell may be, whatever his faults may be, he is no conspirator for murder. Now gentlemen, here is one of the pronouncements of Mr. Nally—"My friends and fellow-countrymen, coming here, I assure you, for a positive fact, though it is well known in this country that it is a system called landlordism. I will work tooth and nail, and until I see these scoundrels called landlords, I will see them banished in oblivion and the tenants to be the owners of the land. I tell you what it is, that I ask one request of you again, to abolish landlordism and have in its stead peasant proprietary. I will now thank you for the reception you have given me, as I am in the habit of saying things that I don't do or believe in myself, let each and everyone of you go home sober." Mr. Nally was generally called upon to speak after the meeting was closed, and except on one or two occasions, he never was at any meeting in which these desperate conspirators from Dublin appeared. For they have so disavowed it. They were working for a legitimate object, to be attained by legitimate means. Nally's object was murder, if he believed in it, which he says he did not. There is certainly an excuse for poor Nally, and it is the best excuse for him—"As I am in the habit of saying things that I don't do or believe in myself, let each and everyone of you go home sober." He gave them an advice which he says he was not in the habit of taking himself, namely, "to go home sober." That, I need hardly tell you, is the language of a man who was not at that time perfectly sober. Here he referred to the police, and he and the police were very good friends. Now, you know that if I did not believe that Nally is an honest poor fellow there would be very fair grounds for the suggestion that the whole thing was got up between himself and the police. But I believe he is an honest poor fellow. It would lead one to that impression if he did not know the facts. His sole soreness against the landlords is that he himself suf-

fered from them. You find him on the most friendly terms with the police, getting them cars, looking after them, and getting drunk with them. He is an honest poor fellow, full of patriotism and full of whiskey. Well, now, gentlemen, there was a conspiracy as far as Nally was concerned, but the conspiracy as far as he was concerned was a conspiracy between himself and Stringer. This is the only conspiracy that existed. It was a conspiracy to get drunk. I did not press Stringer on the subject, but he said he never took more than a half-one at the time. I asked him who treated, and he said there was an interchange. Well, that would suggest more than one half-one. It would suggest two half-ones at the time. "There is one thing about those"—referring to the police—"we have no right to say anything against them. They are very peaceable and orderly, but if they could have a few—they might get more intelligence. I would ask them to join the Land League on the same principle that other people do, and when they join the League I will guarantee that they will be for keeping it." Whether Nally referred to taking the pledge and keeping it I do not know; but one would imagine that he was there in his half-drunken state speaking of the pledge, and not of the Land League. There was a Mr. Kilmartin at the meeting, who says—"I was never a traitor or a rebel, but I am a traitor and a rebel against felonious landlords or landgrabbers. The time has come when landlord tyranny must be put down. Now, the way to do this is by lawful, constitutional means, otherwise you will not be doing it right." He is talking of the bad landlordism of the landlords. And that meeting was caused by one or two circumstances, for the purpose of crying down a very bad eviction which had taken place in the neighbourhood, and which is in evidence. The next meeting Mr. Parnell addressed was at Beaufort on the 16th May, and, gentlemen, Mr. Parnell's object was not an illegitimate or illegal object, and his speeches at those meetings were different from those of such men as Mr. Gordon, Mr. Walsh, Mr. Harris, and Mr. Nally. At the Beaufort meeting Mr. Parnell said—"The laws the landlords make give the landlords the right to exact any rents that they please, and to seize the food upon which the tenant has to depend for his existence in satisfaction for that rent, and finally in driving out the tenant from his holding if he fails or is not able to pay this rent. These laws are unjust, and, although we members of Parliament can do, and will do, a great deal to alter them, you can do a great deal more." Surely there is no harm in saying that, for the same thing was said in language ten times stronger by members of the present Government. "I know (continues Mr. Parnell) as a matter of fact that of the 600,000 tenant farmers of Ireland, fully 400,000 are unable to pay their rents," simply from the present system of rack-renting, and unjust land laws. "Ejectments for the non-payment of rent have been scattered broadcast over the land, and in a short time the landlords will ask the courts of law to enforce those decrees and ejectments. This will be a very serious situation. Can it be expected, this time in the 19th century, our people will allow themselves to be driven from their farms as in 1848? I think that day is gone by—that a spirit of determination is taking fast hold of our people, and that they will no longer permit themselves to be exterminated as in the past, either with or without law. I say that the Government that leaves the tenantry of this country at the mercy of the landlords, undertakes a grave responsibility, the outcome of which no man can foresee, and I ask the Government of England to inform themselves on this subject." This is the dreadful conspirator who asks the Government to inform them-

selves as to the wants of the Irish people. He is the man whom the Right Hon. the Attorney-General arraigns here as a conspirator—as a man who was inciting the people to outrage—in the face of that request that the Government will inform themselves as to the wants of the Irish people. "I say the Government that leaves the tenantry of this country at the mercy of the landlords undertakes a grave responsibility, the outcome of which no man can foresee; and I ask the Government of England to inform themselves on this subject, and if it finds that my statement is a true one, and that the majority of the Irish people are face to face with famine, that they will pass such a measure as will stay eviction." Over and over again the learned Attorney-General charged that Mr. Parnell did not want argument or constitutional agitation, but organization for an illegal purpose and conspiracy. Here we find Mr. Parnell, in clear and unambiguous language, suggesting that the Government should bring in some law to stay evictions in Ireland, and the Government agreed with this dreadful conspirator, so that if he were a conspirator Government were also conspirators—for they agreed with him as to the necessity of some law to stay eviction, and they attempted to pass such a measure and signally failed. "If the Legislature (he says) refuses to step in, this agitation will have to go on; it will increase tenfold in intensity, and the people will do for themselves that which the Legislature refuses to do." If the Government does not step in, what would be the result. Eviction after eviction would go on, and they would have re-enacted the scenes which occurred in '47 and '48. If the Government failed to step in? They made the attempt, and failed through no fault of theirs. The arguments of the members of the Cabinet in reference to that measure were beyond doubt the arguments of men who had deeply at heart the interests of this country; but they failed in their beneficent intention, because the landlord oppression was too strong for them; and because Mr. Parnell endeavoured to stop that oppression, because he endeavoured by his acts and utterances to show the landlords they should not and dare not interfere, he is now arraigned here before this tribunal as a conspirator. "And the people will do for themselves, that which the legislation refuses to do." In the same speech he goes on to say that he does not object to the Ulster custom; but there is no necessity to trouble you, gentlemen, with that. That is so far as the speech of Mr. Parnell is concerned at the meeting in Beaufort. At a meeting at Knockcrogherry, held on the 16th May, we have Mr. Harris, one of the traversers, making a speech. "My opinion is (he says), and in this opinion I am fully satisfied, by the statement of Mr. Gladstone, when he came to Ireland, and other great men, that they are in favour of giving to Ireland a peasant proprietary, and would we not be very foolish, indeed, if we were to go in for fixity of tenure?" Here is Mr. Harris, another of the conspirators, agreeing in everything Mr. Gladstone was endeavouring to do for Ireland. That speech of Mr. Harris was given in evidence to show that this dreadful man was in the conspiracy with Mr. Parnell and Mr. Nally. He refers, in adulatory terms, to Mr. Gladstone, whom he thought was doing his best for the country. "In the first place (he continues) is not every man paying more than he is able to pay, and we have falling markets. But I hope that such an arrangement will be made that in the course of twenty years he will be the owner and proprietor of the land he holds? Lord Randolph Churchill says the Government were going to confiscate the property of the landlords. Mr. Harris does not say half as much, but he says some arrangement should be made by which the peasants of Ireland would be turned into peasant

proprietors, by paying the landlords, and in twenty or twenty-five years time they would become proprietors. Where is the dreadful conspiracy there? Are unpremeditated expressions, spoken without deliberation, in the heat perhaps of an eloquent speech, to be taken advantage of to sustain an indictment for conspiracy? It is not these expressions you are to use against him to show he was an illegal and guilty conspirator. At once admit the object of these men was the good of their country, as I submit it was, having regard to the propositions of the Land League, I do not weigh in an evenly balanced scales as to whether the means suggested for the attainment of that object were legal or not. Once you are satisfied that these men had but one great object in view, namely, the good of their country, and the result is easy. Mr. Fallon, who proposed a resolution at that meeting, showed that the real object was to do everything constitutionally, do everything right and proper. The resolution which Mr. Fallon proposes is—"That we, the tenant-farmers of this district, endorse the programme of land reform adopted at the Land Conference, held in Dublin, which proposes a final settlement on the basis of a peasant proprietary, and as a security for the tenant in the meantime, the immediate passage through Parliament of a bill, suspending for a period of two years ejectments from all holdings valued at and under £20, and for a similar period in the case of any holding whatsoever the right of recovering a rent higher than the Poor-Law valuation." Gentlemen, the greater part of that resolution was afterwards carried in the House of Commons, the terms of which this terrible conspirator, Mr. Fallon, suggested. It was carried with the assistance of my right hon. friend, the Attorney-General, a member of the Government, and it was thrown out in the House of Lords. We have Mr. Parnell, again at a meeting held at Irishtown, on the 20th May, and there he proposed a resolution to the very same effect that Mr. Fallon did, "That we hereby endorse the programme of land reform for Ireland which has been proposed by the National Land League, and adopted at the Conference of Land Reformers held in Dublin on Thursday last, and pledge ourselves to do all in our power to have that programme applied to the amelioration of the agricultural and industrial classes of our country." That was perfectly harmless. It was in effect adopted by the Government themselves, and what does Mr. Parnell say. "And furthermore, in addition to the reduction of rent for the tenantry which we have been successful in obtaining wherever the people of Ireland followed our advice"—the landlords, gentlemen, were coerced into the necessity of reducing the rents, and their attention was first called to that necessity by Mr. Parnell. "We desire (he adds) to bring about a gradual transfer of the land of Ireland to the tenant farmers of Ireland. We believe that the people of the country should own the land, but we have never said that we are willing at one sweep to give twenty years' purchase on the Government valuation, and nobody has a right to forecast the future." Here is a dreadful conspirator. Mr. Sullivan says twenty years is the proper time. We have Mr. Parnell saying that twenty years would be far in excess, showing that these gentlemen went through the country with the *bona fide* intention of stopping evictions, and for the accomplishment of that object, I will demonstrate to you that every man made a different suggestion. Where is the evidence of conspiracy in that? Gentlemen, Mr. Parnell continues—"Now what have we recommended as one of the means to effect a gradual transfer of the land of this country to those who till it, and

also as a further means of obtaining an abatement of rackrents which still affects many parts of this country? We have recommended the appointment by the Government of a commission with power to do certain things." Where is the conspirator who said the time for argument is passed; who did not want to do things constitutionally. Here he is recommending the appointment of a commission by Government with "power to improve and carry out the Bright clauses of the Land Act." Here he differs from Mr. O'Sullivan, and with "power to the department to acquire the ownership of any estate upon tendering to the owners thereof a sum equal to twenty years' purchase of the Poor Law valuation of such estate, and to let such estate to the tenants at a rent equal to three and a half per cent. per annum on the purchase money." Then he refers to the *Freeman's Journal*. "Now, I claim, and I feel convinced, that the appointment of a commission composed of men who meant to do right with the people of Ireland, with twenty or thirty millions of money at their command, with power to pounce down upon any rack-renting or exterminating landlord in any part of Ireland, and to put an end to his rights over his tenants by giving him twenty years' purchase upon the valuation, is a far better means for protecting the Irish tenant than the cloud of legal fiction contained in the late Mr. Butt's Land Bill; and as for the rest, this Irish land question has now attained such proportions that it must be settled, and it can only be settled in one way, by a transfer of the land to the people who occupy it. There is no other settlement for the abolition of the feudal system of land tenure than the settlement which we have proposed. We have dozens of precedents in all the great European countries, in America, in Canada, and in Prince Edward's Island, for the settlement which we urge to-day." And he further says —"If by chance in any place a landlord should get the upper hand of his tenantry, we will see that better and happier homes will take the places of those you have lost." This is the dreadful conspirator who sent down money for the relief of the families of those who were in prison. That was a dreadful charge to make. Why, gentlemen, there are institutions in Dublin of charitable ladies who keep alive the families of those who are in prison. I wonder if my clients are to be punished for that. Surely there is no harm in relieving distress? "But in order to do all this you must take our advice, you must stand firm, you must give good notice whenever any of you are threatened with eviction, and above all things you must form local organizations which will be able to investigate these cases and support the Land League." That is what he suggests. That they should give notice when threatened with eviction and that they would be provided with suitable houses elsewhere. They were doing all this to prevent a possibility of a re-enactment of the crimes which followed the evictions in 1847 and 1848. Mr. O'Kelly, a member of Parliament, next spoke at that Irishtown meeting, and he says—"Now, it is an old proverb that we ought say nothing but what is good of the dead, and fortunately for the good of Ireland and the world, the late Government is dead." If agreeing in that would make a man a conspirator, I cannot help thinking that the right hon. gentleman who conducts this prosecution would be one of the worst of the class (laughter). Mr. M. M. O'Sullivan, at a meeting at Finea, on 27th May, says—"We will have to pay a fair value for the land, say twenty years of the time." Gentlemen, at that meeting the Rev. Mr. Mohan, a Protestant clergyman spoke, and if Mr. M. M. O'Sullivan was a conspirator, the Rev. Mr. Mohan was just as much so because what Mr. O'Sullivan said was said in his presence.

I now come on down to the meeting at Cardenstown, on the 23rd May. Mr. Michael Costelloe spoke. Before referring to his speech, gentlemen, I may observe that we were unable, in consequence of the representatives of the landlords shunning investigation—we could not give you evidence of rackrents and evictions in Ireland for the last forty years, but some few of them have been mentioned, and I will call your attention to them very shortly. I was about to read to you an extract from Mr. Costelloe's speech. "Now, it is expected I should give you (he says) a statement of the true cause that has brought us here to-day, but I think I could not do better than read to you a letter I have received from a tenant, of the name of James Killeen ?" Here gentlemen, is what took place under the old dispensation. "On the 23rd inst. the sheriff came and left myself and wife and nine children on the road. Were it not for my neighbours I might sleep out. Now, sir, I want to give you a brief account of how my landlord treated me. This farm was held by my forefathers for generations. The old lease expired in 1874, the rent then being £64 a year. The landlord came on and demanded £36 in the year's rent of a rise, or possession of the land. I offered him £15 of a rise, which he refused to take. He then served me with an ejectment, which I took a defence against, and after losing £46 with law costs he forced me to comply with his terms, take a lease for 35 years at £100 a year. I paid the rent punctually until all I had had wasted away." Until all he had was wasted away! Until that landlord took everything out of the land, until he had taken what ought to have gone and should have gone for the support of that man's family, which ought to go for the education of his children, and which ought to have gone towards making him the owner of his farm. The language of this poor man was most eloquent—"I paid the rent punctually until all I had wasted away." How many thousands of the poor unfortunate tenant farmers of Ireland have wasted away under the old dispensation? He continues—"I then wrote to the landlord for permission to sell my interest in the farm, which he consented to. I put it up by public auction, but could not get one shilling for it on account of the rack-rent." Then he goes into an account of the money he expended on it. Gentlemen, you saw outside in the hall the melancholy result of the old dispensation? Was it not a melancholy thing to see that respectable old man on the table—was it not a disgrace to the old dispensation that would allow a man, once happy and prosperous, a tenant-farmer under Lord Lucan, having passed his life in the effort to earn his bread and support his children, was it not a melancholy thing to see him now ending his days in a poor-house? That, gentlemen, is the result of the old dispensation. Now, gentlemen, Mr. Boyton says at that same meeting: "Every person who stands erect here to-day will scorn the foul imputations that have been made against us; but they came from our enemies. To say that we who wish to root you on the soil are about to separate the priests from the people is calumny. There is only one answer to it, and I trust that that answer will be found on every one of your lips, and that is—it is a lie, for we could not separate the priests of Ireland from the people of Ireland. But to-day, thank God, we have the bishops and priests of Ireland with us. I stand here in Meath, where the bishop put forward my chief and leader; and told him, "Go on, we have faith in you." Mr. Parnell, gentlemen, was supported by the Bishop of Meath. It was believed his cause would triumph as every cause in Ireland would triumph which had right and justice to sustain it. Mr. Kettle at that meeting said—"We have not come to preach Communism." They

were not preaching Communism. The Attorney-General accused Mr. Brennan of speaking Communism. I deny his observations were Communistic. The Attorney-General referred to Proudhon and accused Mr. Brennan of having read it. It is quite apparent the right hon. gentleman himself did read it. Gentlemen, I may refer to a speech of Mr. John Stuart Mill on that subject, and he was a great English thinker, and speaking of the Irish land system he says—"While present rents, fixed by competition, are the practice of the country, to expect industry, useful activity, any restraint on population but death, or any—the smallest—diminution of poverty, is to look for figs on thistles and grapes on thorns." He also says—"The land of Ireland, the land of every country, belongs to the people of that country. The individuals called landowners have no right in morality and justice to anything but the rent or compensation for its saleable value." These, gentlemen, are the ideas of the greatest thinker of the day, Mr. John Stuart Mill, and they are more like the sentiments of Mr. Brennan than the sentiments of Proudhome. Mr. Kettle says, "We have not come to preach Communism, but we have come here, priests and people, united together in one sacred bond, to express our sympathy with the poor distressed farmers of the district. We are here to-day to create a public sentiment that will crush for ever one of the most accursed systems, landlordism." The respected parish priest of the district joined with him in everything he said in so far as it affected the system, but denied the right to attack individuals. He (Mr. Kettle) says, "I declare, without fear of contradiction, that nowhere in any part of Ireland are there to be found a class of landlords who have treated their tenants so badly as in this district," and then he refers to two whom he would except, the Marquis of Lansdowne and Mr. Dames. "The rest," he says, "have no sympathy with their tenants save in exacting their rents. As I have said before, I speak from experience, I will give you two instances that have lately fallen under my observation. The father of a large family came to me and said, 'My landlord has thought it fit and proper, because I allowed a few days to pass by, not to receive my rent, and he has put upon me a lot of legal expenses.'" Now, gentlemen is not the system something accursed that would allow a landlord in the year of grace, 1880, when starvation was staring some of the tenant farmers of Ireland in the face, when the utmost they were hoping for was to receive relief from some of the charitable committees in Dublin—is not the system accursed which would allow a landlord to say, I will put you out, though you offer part of your rent? That was the system under the old dispensation which Mr. Parnell was attacking. "I told that man (said Mr. Kettle), go Jack, said I, and tell your landlord that he has a right to accept your rent. He again refused the rent, unless the man paid the legal expenses; and I told him, moreover, to say that the priest said he should. And his answer was, that the priest should mind his own business." I shall not make a single observation on that, beyond saying that the priest was minding his own business, when he was minding the business of the unfortunate poor in the district and sympathising with them in their sorrow and distress. Gentlemen, the next meeting to which I wish to call your attention is that at Cloneen, and at it Mr. Joseph Fisher spoke. It is shown that that was a meeting to express sympathy with a case of cruel eviction; it was in no way connected with the Irish National Land League. The observation may be made that a great number of those meetings were

held with the knowledge of the Land League, but the vast body of them were held in consequence of a terrible case of eviction in the immediate neighbourhood, and which had no connection with the organization in Dublin. In this case Mr. Fisher said—"They had all met to express their sympathy with a case of most cruel eviction that had taken place in the south of Ireland within his memory. This property once belonged to a noble family, under whom a lease was made to the ancestors of the evicted man at a rent of £17 16*s.* a year. The land passed into other hands, and at the expiration of the lease in 1841 a valuation of the land was made. Remember, the tenant in possession built a house and made the improvements, and when the valuation was made the valuation was £354 a year (groans)." Now, I think that is a mistake; there is no doubt about it. There is no doubt that it should have been £35 4*s.* a year, and not £354. That is exactly double. "And since the last lease was made the tenant in possession had paid in hard cash to the landlord out of the patrimony left him by his father, £2,000 that was not earned by the land." Well, gentlemen, the system that we are attacking is the system that allows the landlord to take every sixpence out of the land. Every-one of you who are in business—if you are so in business, you expect out of that business sufficient for your families. You have each a family; you may expect out of that business sufficient, so that you will be able to clothe your family; you will expect that out of that business that you will be able to send your children to school; you will expect out of that business that you will be able to have a holiday; you will expect that out of that business that you will be able to appear before the world, and that you will be able to enjoy yourself. But, gentlemen, those are things not to be expected by the poor unfortunate tenant-farmers of Ireland—his whole life, from morning till night, from long year's end to long year's end, is what—draining himself, wasting away for the purpose of supplying or paying rent to the landlord. Is not that his life? I wonder how, gentlemen, these men think life worth living for—for they cannot enjoy it with nothing to keep them, and when they have got no money to keep them, for every sixpence they make on the land must be paid away to the landlord. He is the first man to be thought of, and if they made the land so as to live on it a little more comfortably, in other countries, a man would be protected from an excessive rent; but in Ireland, immediately he makes the farm by his own honest industry and labour—immediately he makes improvements upon the farm, and makes it much better and much more productive—that moment the agent comes down and says—"You must pay additional rent for that land." For what? What right, in the name of justice, has he to the increased rent? What right, in the name of fair play and justice, could the agent suggest which enabled him to claim any increased rent, after a man has worked night, noon, and morning, and that man's children have worked almost day and night—from early morning to late at night to make this property something better—and to say that they must give the entire value of that to the landlord, and, in other words, that they are to waste away before the landlord; and this tenant, that Mr. Joseph Fisher was speaking of at Cloneen, appears also to have wasted away. Now, gentlemen, the next meeting to which I shall ask your attention will be one at which some observations were made by Mr. Walsh. Now, Mr. Walsh is the son—you need not believe it of course, gentlemen, if you don't like, I suppose—but he himself made the statement at a public meeting in the immediate neighbourhood of where he lived, and I may assume that it is extremely likely that he would have been contradicted on the spot

if the statement was not true, and accordingly I think there is abundant evidence that Walsh was the son of an evicted tenant although it is only Walsh that says it. This is what he says—"We will be told here to-day that we are speaking too strong and we are making a bad impression; now, when you look around and see these scenes that I have seen in Roscommon within the last fortnight; I saw on one property belonging to Mrs. O'Connor—I saw sixty-five of God's creatures thrown out on the roadside—old women eighty-two years old, and infants three weeks old." And no wonder, gentlemen, that Walsh, and no wonder that Harris, and no wonder that Gordon, and no wonder that Nally—all acting independently—all men living down there in that part of the country, and entitled to their own opinion, notwithstanding the Government—no wonder that they should use strong language. The wonder is that they did not—as far as the knowledge they had is concerned—use far stronger language than they did use, when they saw such scenes of eviction on every property round about there—when they saw old women—women eighty-two years old—cast out on the roadside—when they saw children three and four years old sent out without a covering to sleep under—when they saw these things, is it a wonder that these men did not speak out in stronger terms—aye, that they spoke as they did? Looking at the scenes they witnessed, is it not I say a wonder that they spoke as they did? That meeting, gentlemen, at Killasser was a purely local meeting. There was no representative of the Dublin Land League at it. The men who were there spoke out their sentiments in a manly bold manner, and they were perfectly entitled to do so having regard to the scenes passing around them. Father O'Hara also spoke at that meeting. Oh, this is a terrible conspiracy! At every meeting we see the priests there. This is a terrible conspiracy—unlawful meetings! Seditious meetings! Why the priesthood of Ireland must be desperate people, because we see them, time after time, supporting the people in their efforts to crush this system! He says, "At each of these meetings, my friends, a solemn protest is made against rack-rents and heartless evictions. The unjust dealings between landlord and tenant (groans for the landlord) is brought to light and exposed before the whole world, and so well have these been done before this, that they have gained the sympathy of the great Republic of the West (cheers). My friends, who is there but a few who would witness an Irish eviction scene, or hear it described, without being moved to sympathy. Look at that old man with his seven or eight orphans; years of great distress come upon them and the country;"—referring to a man in the very neighbourhood, in the immediate vicinity. "The rack-rent, double the Government valuation, that had been screwed out of him, he is no longer able to pay. The poor man goes and begs for time, he begs for a fair rent, but no further for him. No entreaty is of any avail. The good years of prosperity are not allowed to come round him. The bailiffs come, the process-server comes, and after that the ejectment decree, the sheriff with police, rifle in hand, turn him out on the world; but what is to become of the poor little ones? Hear their cries! They are left on the wayside to starve or beg or go to the workhouse. But, my friends, hold on, have courage, remember those accursed laws cannot last for ever; those unnatural laws must come to an end some day or another." And I hope your verdict will help in their immolation. Now, gentlemen, the next meeting I wish to bring under your notice is that held at Ballyglass on the 13th of June. Gordon was there. Now, Mr. Gordon has a strong way of expressing himself, and he sometimes falls out with the priests as I shall show you, gentlemen, but I may tell you it does not affect the case one way or the

other. Now, I do not want to say anything harsh of Mr. Gordon. He was not here at the early stage of these proceedings; he was laid up with a broken leg, but he has been here lately, and it is only right I should make that explanation for him. What I understand took place in reference to that accident was this: he and Mr. Nally were coming home from one of these meetings and Nally drove him into the ditch, but I don't know under what circumstances that took place; but at the same time it is an undoubted fact that the man who was drunk escaped, but the man who was a teetotaller broke his leg; because, in reference to Mr. Gordon, I think it is only fair to him to say that he is a teetotaller, though probably that does not enhance him in my opinion. But, gentlemen, passing on and away from that to the Ballyglass meeting, held on the 13th of June, I may say that this was a local meeting, and Mr. Nally spoke; but Mr. Nally was never allowed to speak at some of these local meetings, although he was there. And why was that? It was not the Land League but Mr. Nally's league that was represented there; and if he did make a speech there, you will find on several occasions when it was a meeting properly got up for a legitimate object, Mr. Nally was never allowed to speak, and whenever he attempted to speak he was always prevented, though he often came out either before or after the meeting. Mr. Gordon says—"I myself have travelled the three counties of Mayo, Galway, and Roscommon, I have travelled it at my own expense. I have travelled it by paying my own car fare." Now, Mr. Gordon was described by my learned friend the Attorney-General as a paid agent. If they could have proved it they would have proved it. If they thought they could not prove it, they ought not to have stated it. Here we have the statement from Gordon himself, which they had in their own books—and which they were aware he made, because I am reading it—not from the newspaper report, but from the report supplied by the Crown, and those are the exact words in the print—"I have travelled it at my own expense; I have travelled it by paying my own car fare." And then, gentlemen, he says—"We are told that we are teaching Communionism—Nihilism, and not one word had been said against the three great 'isms' which has ruined our country—landlordism, blackguardism, and promoting pauperism." The Attorney-General says of Gordon and others like him—"They have no personal interests to serve, and I cannot see why, if persons have undertaken work that they should not be paid for it by those who undertook this kind of political work." Mr. Gordon goes on to say—because this was a meeting got up by Gordon and Nally—"Mr. Nally is going in for a landgrabber's daughter. If the landgrabber is not afraid, he might get ashamed of his conduct." And then a reference is made to Archbishop Croker—because he is a conspirator, also because he wrote a letter thoroughly approving of this horrible conspiracy—therefore he is also a conspirator. But the idea of coupling the names of Gordon and Nally with the name of Mr. Parnell, whose name is a household word throughout Europe as a great statesman, a man feared even by Her Majesty's present Government, as strong as it is. The idea of coupling him in the same breath as a conspirator with Nally, and Gordon, and such men. I deny it here on the part of Mr. Parnell. I deny that he is a conspirator with these men who may have seen or heard some of the observations made in Dublin at the meetings there, and they may have repeated those observations; they may have spoken something in particular and may have both said it in similar words; but I deny—and

there is not a tittle of evidence to show that there was any preconcert between any one of these parties, much less between Mr. Parnell and Gordon and Nally. There is a speech made by Mr. Nally in which he says—the absurdity of the speeches made by Mr. Nally is the only excuse for reading them, and bringing back your attention to what Nally said on this occasion, and showing you how absurd is the proposition, that Nally and Parnell are conspirators—"Well, my friends and fellow-countrymen, it is quite time since I proposed the resolution that is in my hand now." Mr. Nally was never very connected in his sentences. However, the police took him down as well as they could. "That resolution is not worth the paper on which it is written, because it has not been acted upon. Now most of you, Irishtown, Miltown, and other places. The most enthusiastic party bid for it at the time," a sentence was dropped there. "This resolution that I proposed, that no man would take another man's land. That is fifteen months now, and it has not been digested yet. There would want to be an injection. Like a doctor. If one pill does not do, to administer a dozen to help them to operate." That didn't operate, for in other words, they were all laughing at him. "The Peace Preservation Act is abolished altogether. Then each of you can have a license for ten shillings. Well, by paying ten shillings licence, you can shoot the whole year round . . . . Don't shoot the police . . . . I am not telling you to shoot, but you can do it if you like. You will have to pay £3 for game, but the other applies to the vermin line. It is useless to be proposing resolutions when we have such scoundrels amongst us. Without unity we cannot get rid of the land sharks and the land-grabbers. I would not be one bit surprised if there were some of them in your midst. I will just commence and read the resolution which I did before, but it did not operate. I hope for the last time there will be some effect." The speaker then read a resolution condemning the conduct of any person who would take a farm from which a tenant had been evicted, or surrendered on account of rack-rent, and compared such conduct to that of the robber soldier who pierced the heart of Christ. He concluded by saying, "I hope that resolution is not taken away for nothing. The parties that did not come here you will tell."—And then, gentlemen, what does it turn out? You will remember that the Constabulary reporter who reported that meeting admitted that he was drinking before the meeting with Nally, and that Nally appeared under the influence of drink when at that meeting. It will be for you to say, as I contend, that Mr. Nally did not exactly represent the views of anyone at that meeting—and though he and Mr. Gordon attended that meeting—that he was present with Mr. Nally and present when he spoke, yet Mr. Gordon repudiated the ideas of Mr. Nally, even though speaking at the same meeting; and then, forsooth, you are not only to say that he conspired with Mr. Gordon, but also with Mr. Parnell. At the meeting of the 20th of June, held in Shrule, which is also, as you will bear in mind, one of those local meetings, and, gentlemen, when I say a local meeting, I must remind you that it was proved to be a local meeting, and to have no connection with the Dublin Executive of the Land League—these were meetings held by the country people, seeing that there was an immense amount of evictions going on in Mayo, Galway, and Roscommon, and that these were going on during the early part of the year, and the people there naturally thought that if they could do so—if they could organize among themselves—that by and by they could put this state of things down by the force of public opinion. And some of them may have used strong expressions, but

that is no reason why you are to connect Mr. Parnell, who could have had no connection with it, as he was at the beginning or early part of the year some thousands of miles away. Mr. Walsh says—"It affords me the greatest pleasure to second the vote of thanks to Mr. Monahan. Mr. Parnell, and his party"—not *our* party. Mr. Walsh says, "Mr. Parnell and his party"—not *our* party. He does not say "I am acting with Mr. Parnell." He does not say, "I am one of the gentlemen coupled with him—his representative here"; but he speaks of Mr. Parnell and *his* party—the third person—*his* party—not *my* party, the party with whom I am acting—Mr. Parnell and *his* party. It is very likely that Mr. Walsh had never seen Mr. Parnell, and had never heard him, but admired him, as thousands of Irishmen all over the globe have done. "Mr. Parnell and his party have a Bill which they are about bringing before Parliament, asking the Government to stay evictions for at least two years, so that no man valued under £20 can be evicted within the next two years."

The *Attorney-General.*—Are you reading Mr. Walsh's speech at Shrule?

Mr. *Curran.*—Yes.

The *Attorney-General.*—Mr. Walsh did not speak at Shrule. There is a Mr. J. B. Walsh, of Castlebar, who spoke there.

Mr. *O'Brien.*—This speech was read.

Mr. *Curran.*—We were certainly under the impression that it was Mr. Walsh, the traverser. I don't know whether it was read or not. It was handed across to us, and I believed it was read; and, therefore, commented on it.

Mr. *M'Laughlin.*—It was certainly read by the Crown.

Mr. Justice FITZGERALD.—You are referring to Mr. Walsh as Mr. Walsh, the traverser?

Mr. *Curran.*—We were under the impression that it was Mr. Walsh, the traverser. It was read by the Crown.

The *Attorney-General.*—A speech was read, but it was not a speech made by Mr. Walsh, the traverser.

Mr. *Curran.*—Until this moment we were under the impression that it was Mr. Walsh, the traverser, who uttered these horrible sentiments.

The *Attorney-General.*—If you had read what was handed to you, you could not have been under that impression.

Mr. *Curran.*—I do not care whether it was Mr. Walsh, the traverser, or any other man.

The *Attorney-General.*—Your argument was that there was no preconcert.

Mr. *Curran.*—It was read by the Crown for the purpose of showing that there was a conspiracy, and that Mr. Parnell was a conspirator. I was under the impression that it was Walsh, the traverser, but I do not care which it was. It was read for the purpose of showing that these people down there were conspirators—that Mr. Parnell in Dublin was responsible for everything they did—that Mr. Parnell was responsible for everything they said; that there was an agreement that they should do and say certain things; that there was a preconcert on their part and on the part of Mr. Parnell that they would say so and so, and do so and so; that they would seek to do an unworthy thing, by still more unworthy means; that it was a preconcert on their part with Mr. Parnell in Dublin, and with these parties that they would seek to attain the one object, and that object was the injury of landlords, and the impoverishment of landlords, and it was read for that purpose only. But there is the statement of that man re-

ferring to this man as a public character, made in the presence, at all events, of some of the traversers—because some of the traversers must have been at that meeting. Mr. Walsh continues to say—"Hence I will read the Bill to show that the tenants cannot be evicted." Now I understand the reason of my right hon. friends objection to this little bit of evidence. He did not object until I came to the last two lines. He allowed me to read it until I came to that——

Mr. Justice FITZGERALD.—I did not understand that the learned Attorney-General made any objection to your reading it at all. He only objected to your reading it as part of Mr. Walsh, the traverser's, speech.

The *Attorney-General.*—Certainly, I did not object, but I was merely pointing out to my learned friend that he was under a misconception. It is better to argue on the facts.

Mr. *Curran.*—The objection was not made until I came to this sentence—"Martin Healy, valuation £16 5*s.*, rent £32." This is a local meeting in that part of the country, and here are the reasons for that local meeting. The poor people, supposing that those poor people are hardly treated, and, having such a known orator as Mr. Nally in the neighbourhood, they would secure his services to ventilate their grievances, and accordingly they secured Mr. Nally for this meeting. The first thing Mr. Nally would do would be to protect the police and to get a glass of whiskey from them. He travelled from place to place through the country out of love of fun and out of love of mischief, but as for these poor people in Mayo and Roscommon—they saw there was something being done for them in Parliament, and they appear to have felt that that something would be strengthened, as it was strengthened, by their agitation in the country, and therefore there is nothing remarkable in the fact that these people would get up time after time these local meetings, and that some of the great public and local orators, like Mr. Gordon and Mr. Walsh, would be asked to speak. But where is the evidence of preconcert? Because he spoke the same thing, or said elsewhere the same words, is Mr. Gordon a co-conspirator with the man whom he had never seen? But look at the cause of this meeting held at Shrule—"Martin Reilly, valuation £8 10*s.*, rent £13 8*s.* 3*d.*; John Tierney, rent £7 10*s.*, valuation £12 (and so on to about twelve names.)" Now, gentlemen, that is the system which they are protesting against there—I say fairly protesting against there—that is the system—that rack-renting system—that is the system, doubling the rent, of trebling the rent, pursued under the old dispensation—it was causing the unfortunate tenant-farmers of Ireland to waste away. "Groans are no use," said Mr. Nally, who was there on that occasion. I don't know whether that was the meeting returning from which Mr. Gordon broke his leg. "Groans are no use. Refer it to me for my pills." This is the dreadful conspirator with Mr. Parnell. This is a local meeting got up by the poor people in the neighbourhood, and Mr. Gordon goes there, and Mr. Nally goes there for his own purposes. Mr. Nally makes use of that expression, and that expression is brought in evidence, not against Nally—for the Crown here do not care if Nally was at the other side of the Atlantic—they don't care about Nally, but they bring that charge and give that evidence for the purpose of asking you to hold that this is a charge of conspiracy, and that this statement is not the statement of Nally, but the statement of Parnell, and that is their line. "Too cowardly to give them what Leitrim had got." And unfortunate Mr. Parnell, because he happens to endeavour to do good for

his country, is to be leagued with such a man as that. Gordon then says —"I had made up my mind to attend another meeting, but something has occurred in this gallant county that is echoed by my feelings." Then he goes into—I do not want to say anything harsh of Mr. Gordon, who is a respectable man I know, but he does not agree with the priests down in that part of the country, and has some little fighting with them; and he goes in for pitching in—to use a vulgar expression—to the priests. Now, gentlemen, I only use that argument—and I should be sorry to say anything to hurt the feelings of Mr. Gordon. I only use that argument for the purpose of showing here that Mr. Gordon cannot be a co-conspirator; for you can perceive that you have, at meetings which Mr. Parnell attended, the priests working heart and soul together, and one of the conspirators with Mr. Parnell is a man whom you find attacking the priests. Where is the conspiracy there—where is the evidence of pre-concert there? I will not read the observations of Gordon with respect to the priests, because I think that they are a little strong; but you have him attacking the clergymen, and you have the man he is charged with acting with him praising them, as far as the praise of man can go. What more have you? Then Mr. Gordon goes on to tell the cause of his being there that day —not that he went there to organize the Land League—not that he went there in support of Parnell—not that he went there for the purpose of carrying out the ideas of Mr. Parnell or anyone else, but that he went there, having been asked to go there to denounce an act that was perpetrated under what is called the old dispensation. He says:—"There was a landlord-robber who went into the house of a peaceable woman. He was not satisfied with carrying out the law, but he took the law into his own hands. He went into the house of a respectable woman, and he used violence against her." Now that is not mere imagination, because his lordship was kind enough to say that the facts as stated were correct, and that the man was convicted. "He was not satisfied to allow the sheriff and the police to do it, but he did it himself, or thought to do so, that gallant woman had wrested a stick from him and hurled him from her cabin. Well, my friends, it did not finish there. That land robber who was not satisfied with robbing the woman of her labour, he brought back a gun, commenced smashing before him. That gallant woman stood up, took from the hearth a tongs and smashed the head of the robber." And that is all permissible under the old dispensation—"That gallant woman stood up, took from the hearth a tongs, and smashed the head of the robber." No wonder she should, gentlemen, but my client, Mr. Parnell, has over and over again asserted, and I think we have proved—I think my learned friends who preceded me have proved—that the direct object of all this agitation is to put a stop to crime, and allow the people to give free vent to all their sores, to all their woes, to all their sufferings, in public meetings. That was Mr. Parnell's object. But we have this unfortunate woman when there had been no such agitation before—this man going in there, and she smashing his head with the tongs. And what was the result? She was tried. Gentlemen, I need not tell you that using a tongs is a rather strong remedy.

Mr. Justice FITZGERALD.—I don't think this can go to the issue we have to try here. If the case is to be correctly stated at all, it related to a house in a town, and not to a farm. The woman was a caretaker. She was put out, and she broke the man's head with a poker. What has that to do with the case? It appears to me you are expending your eloquence quite in vain.

Mr. *Curran*.—I am reading some of the evidence.

Mr. Justice FITZGERALD.—I take it is in one of the speeches, but that does not prove it is true.

Mr. *Curran*.—I am referring to some of the evidence given.

Mr. Justice FITZGERALD.—I take it that it was stated in one of the speeches, but it does not follow that it is true. It is perfectly true she broke the man's head, and that she was tried and acquitted, and it is equally true that she was a caretaker, and that he put her there.

Mr. *Curran*.—It is equally true that she was his tenant, after being put out by eviction. I don't wish to intrude on your lordship's attention if I am not speaking right. However, we will pass from that. Now, gentlemen, Mr. Walsh, this desperate conspirator, was at that meeting also. Mr. Nally was there as usual, with Mr. Gordon, but he had been drinking with a constable, and was not allowed to speak at it; but he did make use of an observation referring to his place, from the crowd, and I believe was immediately put out. However, Mr. Walsh says, after referring to some cases of gross hardship in the way of rackrenting and evictions, because, gentlemen, you will find these referred to at every meeting. These cases of rack-renting and eviction occurred all over this unfortunate country, and at a time when you would imagine the hearts of the landlords would have been softened. Mr. Walsh said at that meeting—"If you stick to the pledge that you made in my hearing twelve months ago, that you will not pay the land-robber an exorbitant rent—that you will pay him a fair rent." Gentlemen, there is no harm in that. The landlord has a right to his rent. So long as a landlord exists he has—and no one can deny it—the right to his rent; but what is the rent? It is what a man is able to make out of the land, and if a man was able to make nothing or only one half out of the land where was he to get the rent to pay the landlord? Therefore this observation, as far as to paying only a fair rent, must be very bad and very improper if, gentlemen, they were observations made in another year. But you must try this case having regard to the state of the country in 1880. If these observations had been made in a year when there was a plentiful harvest not succeeding three years of famine, but when there had been plentiful harvests succeeding—fruitful harvests two or three years in succession—then, gentlemen, I could understand the law of the country being said to be outraged by parties saying you ought not to pay the full rent but only the half rent; but there might be an answer to that, that by contract you were bound to pay it, although it was stated in the House of Commons over and over again that the tenancy of the Irish farmer was founded not on contract but upon imposition. In this year, as a matter of common sense, supposing you were a tenant farmer and had to pay a rack rent, or supposing you were to pay a fair rent, and supposing that the land proved, as in 1879, to be worthless and unproductive, and the crops failing, how could you be expected to pay the landlord, and would you not say to the landlord—"you cannot expect me to pay it; the only way I have of paying it is by tilling the land. I have tilled the land, which you set to me under a contract. I have tilled it, and there is the crop rotten. How can you expect me to pay my rent under such circumstances." Therefore, came the agitation of the people not to pay an exorbitant rent, but a fair rent, which is according to the truest principles of political economy. A man cannot be expected to do what is impossible. Therefore, Mr. Walsh, this dreadful conspirator, says:—"I am not asking you not to pay any rent—I am asking you to pay a fair rent." That was the object of the people all through—not to impoverish the landlord by paying no rent, but to induce the landlords by agitation

to take a fair rent under the circumstances; and if in the agitation some of them used language they should not have done, without concert, or without combining together for the purpose of using such language, then you cannot convict them of having intended to obtain their object by illegal means. Mr. Walsh says:—"I am not asking you not to pay any rent—I am asking you to pay a fair rent, so as that you will be able to pay the merchant who gave you meal to support your family, guano to put down your crop, and if anything remains to pay that to the landlord." I would ask you, gentlemen, to say that that itself is common sense. "But I hold," he says, "he has no right to extract from you your life blood." He has no right to say that you are to waste away. He says then—"We are supporting 150 evicted families." How supporting them, gentlemen? By keeping these unfortunate people alive. They are keeping them in the country—where the families are evicted supplying them with money—not to break the law, unless it is to break the law by living, which some landlords would seem to think in some cases. "We are keeping them alive," he says. Where is the breaking of the law there? Where is the illegal means there? He refers then to the case of a terrible, heartless eviction, that is in the memory of all of us, on the property of Mrs. O'Connor, where not only one, but more than twenty evictions and clearances had taken place. Here is what he says—"There is one woman who calls herself a Christian—(then he alludes to the lady, and gives her address)—she has thrown out nine in one place, seven in another, five in the third place; to leave twenty-one families—over a hundred of God's creatures—thrown out on the roadside." That, gentlemen, is under the old dispensation. We want to stop it by what the Attorney-General is pleased to call it, the "New Gospel," and please God, gentlemen, we shall. Mr. Walsh then says—"She demands a rack-rent from these poor people, from whom I have taken thirty-seven pawn tickets—their sheets, their blankets, their goods—everything they had even to cover them, yes, even a small stool—they got 4*d.* on it to buy meal." They wanted it for the purpose of living. Bear in mind, gentlemen, the time at which this occurred. It was at the worst period for the unfortunate tenants—when they were putting down their little crops, when they could not go to work elsewhere, but must bestow their labour on their own farms—during the worst period of the famine of 1879 and 1880—that is the occasion this lady seizes upon to evict twenty-one families, because they, forsooth, would not pay what?—not the rent she contracted them to pay, but because they would not pay an increased rent at that terrible time in Ireland's history. It was an increased rent she wanted, gentlemen. She had a perfect right to demand a rack-rent under the old dispensation. Then Mr. Walsh says—"And Mrs. O'Connor would extract a rack-rent from those poor people? She may now succeed in banishing these poor people, but she will not banish them from the country." The next meeting to which I call attention is one held on the 27th June at Ballinlough. I refer to Mr. Walsh's speech at that meeting. He gives further particulars of evictions on Mrs. O'Connor's property, and refers to an eviction at a different place than those referred to by him before, namely, Tervenacreeva. That is a place at which a meeting had been held—not for the establishment of a Land League, not in furtherance of the conspiracy, but to denounce the conduct of the lady who was prompted to do as she was doing, which she had a right to do under the old dispensation, and she had the law on her side. He says:—"They had pawned their coats and their vests, feathers and

work to try and keep themselves alive, and yet this monster in the shape of a human being tries to extract money from these poor people." Mr. Brennan, at the same meeting, said—"And it is not here alone; but the other day at Boyle, later still at Balla, this person has put the same infernal laws in motion, and she now occupies the unenviable position of having 200 human beings"—— Gentlemen, it was at that meeting it was stated that the police had paid the rent rather than see one of those unfortunate families put out. They were the agents, much against their will, of the law in carrying out the evictions. They were obliged to do their duty, and they would have been obliged to evict that family unless that rent was paid, and to their eternal honour be it said, and knowing that fact it is the reason we scarcely cross-examined any one of the witnesses—to the eternal credit of the force be it said that they acted in the manner it is stated they did at that meeting. It appeared that they were evicting these families—(I think it was in Dr. Nulty's evidence)—that the police, seeing what was done under the old dispensation, were obliged themselves to shed tears at what they saw. Again we saw them, to their eternal honour, at one of the evictions on Mrs. O'Connor's property subscribing themselves to pay the rent, when they saw the widow and her children turned out on the roadside. As in the case of Dr. Nulty, tears were forced from the eyes of the police. In this case, rather than see the unfortunate people taken out, they subscribed and paid the money themselves. Gentlemen, the law that would allow such a thing—the law that requires such a thing—I say that it at the same time requires to be altered. Gentlemen, the next meeting to which I will call attention was held at Bohola on the 4th July. Nally again appears on the scene, and Walsh. Nally, Walsh, and Gordon attended. They sometimes went to these meetings of their own accord. At that meeting Mr. Nally said, "I am a thorough Nationalist. I say you must organize and establish a branch of the Land League. There has been more good done since this day week—there has been a landlord shot in Ballinrobe." We cross-examined the constable as to what occurred at the meeting, and I say it was an extraordinary matter that the constable in reporting should read out the word "landlord," and that it should turn out to be "Feerick;" but how "Feerick" appeared and "landlord" disappeared, or how "landlord" appeared and "Feerick" disappeared I could not say, but you saw it. It was impossible for this constable, accurately to take a note of what took place, and I may say however willing he was to say what took place, it was impossible to place any reliance on any of these constables' reports of the speeches. Nally is reported to have said—"You all can have rifles now, and any of you who are not able to buy a rifle or a gun have a pitchfork in your hand." He goes on to speak of the observations of men at Reform meetings. He repeats the observation about more having been done since this day week than all the speeching—the pills. I would not call attention to it again only for the purpose of recalling your recollection to the extraordinary language of Mr. Nally. We find him, to a certain extent justifying—whether "Feerick" or "landlord" is the word I don't care—justifying murder. I would ask you not to stain the fair fame of Mr. Parnell by associating him with Mr. Nally. At Drumkeeran, on the 11th July, we have Mr. Boyton again speaking. He proposes this resolution—"Resolved—That any legislation on the Irish Land Question can never be satisfactory or permanent, which does not abolish absolutely the present system of landlordism." He states the objects. That, I tell you, is practically a legal object. The learned Attorney-General, however, I think from his own observations is rather disposed to

a peasant proprietary, for he uttered here on one or two occasions observations that left me under that impression, and I tell the learned Attorney-General that three or four years ago had he uttered that expression—had the agitation of Mr. Parnell not stepped in—had he uttered such expressions in open Court all the newspapers in England would have denounced him. So much for agitation, gentlemen. I tell you, and I say it respectfully, that the learned Attorney General dare not have made use of the words five years ago. To whom is he indebted for the power of making these observations, or the credit of making them? Mr. Parnell. Gentlemen, Mr. Boyton says:—"In this resolution you are simply taking up the warcry that has gone forth against the system of landlordism." Not against landlords, gentlemen—not to shoot him—but against "the system of landlordism. It is not down with them—it is away with it." Here is Mr. Boyton speaking. "We don't want down with them. I dissociate myself with any attack on individuals. It is not down with them—it is away with it." That is Mr. Boyton. "You have nothing to do with individuals," he says. But we are told by the learned Attorney-General that this was an attack upon an individual—an attack upon individuals with murderous intent—that our endeavours to get the land for the people—to get the people rooted in the soil was factitious. There Mr. Boyton says it is not the individuals they are aiming at but the system, and it was the system that Mr. Gladstone and Mr. Bright and Mr. Law aimed at in 1880, when they failed in getting their Bill passed. Mr. Boyton says:—"You have to do with the system, to which, if I might apply the language of that famous orator, Burke, applied by him to the father of landlordism, the infamous code of penal law that have left Irishmen and the children of Irishmen what they are to-day." Gentlemen, there is a great deal of truth in that. I might have referred you in the course of my observations to the terrible laws which afflicted Ireland for many years—the penal code. I might have told you of the wounds our countrymen suffered, especially what our Catholic fellow-countrymen suffered, under the laws, but I think you have heard enough of the sufferings of Ireland without going into that portion of history. Mr. Boyton, said "it was an engine of elaborate wickedness, the best fitted to degrade human nature that ever issued from the perverted ingenuity of man. I believe that applied to Irish landlordism." Then there is another resolution passed to which I will call your attention for the purpose of showing the legitimate object of the meeting. It is as follows:—"That any attempt at fixity of tenure that supports the present exorbitant rents would be visited with poverty and degradation . . . . against the tenant-farmers. We are fully determined never to cease agitation and organization until we obtain such a land reform as will enable occupiers to till the land." Those are the resolutions at that meeting, and then in a sheet presented to us by the Crown I find this extraordinary statement, which, I think, shows what attention you ought to pay, or what weight you ought to give to the policemen when they came as experts in shorthand writing. It is, "This sentence is broken, because I did not catch all the words of it, however, I think it is better to give it, but in shorthand notes it is impossible to be quite certain about the exact construction of a sentence when the notes are not sufficiently full." That is what this constable says. That was on a slip of paper at the winding up of the speech. Is not that an extraordinary style of reporting? It is the reporting of these constables when they say they can give two or three sentences only out of every ten.

Do you agree with them, or I would ask you to agree that it is impossible, or I would ask you to agree with him that it is impossible to give the exact construction, when the notes are not sufficiently full. Well, gentlemen, Drumkeeran continued. Mr. Boyton goes on to say:—"We ask no violence—we ask nothing contrary to the law."—That is this desperate conspirator from Dublin—he is a conspirator—he advises assassination—he advises the people to take pills—this Boyton, who is referred to by the learned Attorney-General as a paid organizer. If Mr. Gladstone had some few gentlemen of oratory in the House of Lords with the knowledge of land that Mr. Boyton had it might have some effect. Mr. Boyton says—"What I ask you here to-day is to obey the law." That is what this arch-conspirator—this desperate man—Mr. Boyton, says "I heard a man hoot the sheriff and the police. For what? For doing their duty." He says they are only doing their duty. "Don't hoot the sheriff," notwithstanding that he is to carry out this bountiful law of the old dispensation. "Don't hoot him—don't raise your hand to him, because he is only doing his duty, and so are the constables who are carrying out their duty. Don't hoot him—don't injure him, because he is only performing his duty." This is the man who is described and spoken of as a man going in for the subversion of law and order. He says, "I am sorry that I have been betrayed into perhaps a burst of oratory." I think that throws a great deal of light on his speech. He was sorry that he was betrayed into making the speech. He says that in the heat of speaking he might regret something that he had said. Now, gentlemen, at Cong, on the 11th July, Mr. Harris says, "I should be very sorry to give the slightest countenance to acts of individual outrage." Now, gentlemen, that is the first time I have mentioned Mr. Harris's name. Mr. Harris is a clever man. He is one of the local men. He wrote a pamphlet, which, gentlemen, you will say if you read it—(I will not read it for you)—will show that if this is a conspiracy, it is a very innocent one. It is sent up to show that he is a conspirator with the parties in Dublin. Because why? Because he wrote a pamphlet to the Nationalists to join in the land movement. He might have written such a pamphlet without being a conspirator in a conspiracy that never existed. In favour of Mr. Harris, I would say that he is a man who would not give the slightest countenance to acts of individual outrage. Mr. Harris, on one occasion, in the height of his speech, did use language which did suggest that although he would not countenance it, he would not be sorry for it. What was the result? It was not a sort of apology given a week after, but at the very meeting I say, as well as on that day week, he made an apology to the people of Ireland, which was worthy of him; and in place of going on as the dreadful conspirator with Nally, and Gordon, and the other men, Mr. Harris showed to the satisfaction of every one in Court. so far as he was concerned, that he was opposed to every kind of individual outrage. What does he say? "I am opposed to every kind of individual outrage." Gentlemen, all of you heard of the Bill which Mr. Forster has introduced, showing you —(again we are in the month of July—that all were talking of helping Mr. Forster, and helping Mr. Law—I beg pardon, the Attorney-General, who now prosecutes)—that their only anxiety was to help their co-conspirators, for all were working towards the same end. Mr. Forster, Mr. Gladstone, Mr. Law, and Mr. Bright were all working for the purpose of bringing in a Bill, and getting this Bill passed. So were all these terrible traversers working towards the same end, and if you believe the case for the Crown they were all conspirators against the Crown. It

shows further the terrible act of conspiracy alleged against these desperate men. What turns out to be the fact? I have just been reminded of this by my learned friend and leader, Mr. Macdonogh, who never forgets or pretermits anything—(though I cannot do so)—that these desperate conspirators had a lot of money. They got a lot of money. The Irish peasant knows they did. They don't know very much about what they got from England or the Government. The Irish landlords know they got a good deal, but the Irish peasant knows what they got from the Land League. There is a law, gentlemen, by which, if you give a certain amount of money for fisheries or piers, the Government will supply the balance. There was a suggestion made to the Land League that if they gave a certain amount the Government would supply the balance, and that did take place; and if they committed that it would be an overt act of conspiracy. They got £150 from the Land League through Mr. Brady, the Government Inspector of Fisheries; and therefore, supposing the Government were indicted by a third party, along with my clients, it would be strong evidence. Supposing that Lord Randolph Churchill indicted the whole lot of them, that would be strong evidence that they were acting in concert—that Mr. Parnell was making speeches in this country not half as strong as Mr. Gladstone was doing in England, and that all were acting for a common object. Now, gentlemen, to go back to the Cong meeting ——

Foreman of the Jury.—I beg pardon, my lord; would you allow the jury to go home now?

Mr. Justice FITZGERALD.—I really cannot. We must make some more progress this evening. We have only got now as far as the month of July.

Mr. *Curran.*—It was absolutely necessary, my lord, that some of the counsel should refer to these speeches, and the lot, unfortunately, fell to me.

Mr. Justice FITZGERALD.—I am not expressing any opinion. I am merely saying that we are only now in the month of July.

Mr. *Curran.*—I could not possibly close to-night, but I think I should be able, if your lordships should now adjourn, to finish in an hour and a half to-morrow. I shall go carefully over these meetings, and endeavour to curtail my observations with regard to them.

Mr. Justice FITZGERALD.—Well, gentlemen of the jury, do you wish to adjourn now on that understanding?

Foreman.—We do, my lord. Some of the jurors have letters to write.

Mr. Justice FITZGERALD.—Very well. Adjourn till to-morrow at eleven o'clock.

SIXTEENTH DAY—WEDNESDAY, JANUARY 19, 1881.

Mr. Justice FITZGERALD and Mr. Justice BARRY took their seats at five minutes past eleven o'clock.

Mr. Justice FITZGERALD.—Now, Mr. Curran, we are ready to hear you.

Mr. *Curran*.—May it please your Lordships and Gentlemen of the Jury—On last evening, when the Court rose, I was asking your attention to some of the speeches delivered at some of these meetings. It would be impossible, gentlemen, to ask your attention to all the speeches that have been given here on the part of the Crown, or to call your attention to the meetings in detail at which speeches were made during the years '79 and '80. Gentlemen, I concluded my observations last evening by referring to the meeting at Drumkeeran, on the 11th July; and, gentlemen, I was endeavouring to show you the nature of these meetings—the object that the speakers had in view, and I asked you to come to the conclusion that these speeches were perfectly legal; and I was using the expressions at some of these meetings for the purpose of showing that all the speakers intended was that peace, and nothing but peace, should prevail in our country. Mr. Boyton, at Drumkeeran, on the 11th July, repeats the maxim of Daniel O'Connell, "I repeat here again to-day—the maxim of Daniel O'Connell—that the law will settle the land question. 'The man who commits a crime gives strength to the enemy.'" Gentlemen, Mr. M'Morrow also made a speech at that meeting, and it is unfair to the traversers to bind them by expressions used in the heat of oratory, without having regard to the remainder of the speeches, and the speeches delivered at the same meeting by other parties. What does Mr. M'Morrow say? "I have great pleasure in coming forward to second the resolution proposed. That resolution strikes at the root of the principal grievance under which Ireland is suffering at the present day. That resolution shows that until the tenant farmers of Ireland are so settled that they are as independent as the landlords so long as they pay their rent they must live as dependents, and not as freemen. Now, my friends, we have not come here as revolutionists. We have not come here to confiscate any man's property. We have not come here to do an injustice to any man on the face of God's earth. We tell them that we have as deep an interest in the land of Ireland as they have (cheers). The land was given by Almighty God for the support of the people, and it was never intended by any law, human or divine, to suit them and them only. Now, we want this question settled, and until it is settled we shall never be content; and I say it should not be in the power of any landlord to evict people whenever he thought proper, or raise his rent to such a pitch that they cannot live upon the land. The land is the common property of all, though I don't assume to declare, at least I don't take the licence upon myself of saying what it should be. I would say, and most land reformers say so also, that a valuator should be selected by the landlord, another by the tenant, and the Government a third, and let the valuation be law of the land, and let no man on earth go beyond that (cheers)." There is the proposition of Mr. M'Morrow, and if you believe the Crown, gentlemen, Mr. Boyton, who spoke at the same meeting, is in a conspiracy—another of the great conspirators, and what does Mr. M'Morrow say. He tells you what they want, and what that meeting

wants—that meeting at which Mr. Boyton, one of the traversers, spoke. —"People will take peasant proprietary. Now that is the proper thing for any country, but the land question is to be settled first, and let peasant proprietary come after." Then some drunken man in the crowd shouts "shoot them," the speaker says "no, no," and several voices in the crowd say "no." "I tell you that the laws twenty or thirty years ago are not suitable to the present age." I shall not further refer to the address of Mr. M'Morrow, but I think it shows that the object of the meeting was at all events a peaceable solution of the land question according to law. On the 29th of June, going back to one meeting, there is a short passage in a speech made by Mr. M'Donnell, at which meeting Mr. O'Sullivan was present. The meeting was at Ballinamore—"The tenant working from year's end to year's end can scarcely make both ends meet. This was called confiscation. It is confiscation that one man can depopulate a whole country side. This is confiscation; we don't want to confiscate any man's right. We are willing to pay the landlord the full value of what belongs to him, but we assert that no man can have the right to say 'go out' (cheers). Every ten or twelve years we have changes of law." Gentlemen, the next meeting to which I shall ask your attention—and having regard to the promise I made last evening, or undertaking rather, I shall endeavour to compress my observations within as narrow a compass as possible—at Cong, on the 11th July, a meeting was held, and what does Mr. Harris say there?—"I should be very sorry to give countenance to acts of individual outrage." Mr. Nally was there, and he suggests as usual that the proper remedy was not legislation, but his pills, and the chairman stood up and deprecated the remark of Mr. Nally, and he was not allowed to speak at the meeting. Father O'Malley said—and he, gentlemen, is a conspirator with Mr. Harris and with Nally, and a conspirator with Parnell—he says—"I remember the years of famine well. I remember in my native town, Castlebar, being sent Sunday after Sunday for miles and miles around the country with a few half-crowns to divide here and there, and the sights I have seen never will leave my mind, and to think of them is enough to suffuse my eyes with tears. I have seen five naked corpses in one house. I have seen round Castlebar whole villages cleared away, people murdered by the landlord, and the tyrant that did that still lives, the strongest refutation of the calumny that the Irish people are a nation of assassins. I have been sent back as a priest in Connemara. There I saw whole mountain sides cleared away by another tyrant who still lives. And one fact, which I hope the gentlemen of the Press will take down. On one occasion—1850—1,400 ejectments were entered, and the ruffianly attorney and the agent divided the proceeds between them. Seeing all this, I began to despair that anything ever would happen to raise her until last year I saw these meetings. Last, I said, that the spirit of the people was roused; now they will do their work" —and accomplish what Her Majesty's Government have failed to accomplish—namely, the result of the Disturbance Bill. I pass over what was said at the Gurteen meeting, except to refer to the fact that Dr. Duggan wrote a letter. My friend, Mr. Walker, referred to the several letters of the bishops, and I don't intend to weary you by reading them again; but you cannot pass this tremendous fact in favour of my clients. However you may differ from each other in religion, you must be all aware—Protestant and Catholic—that the interests of our country are deeply in the hearts of the archbishops and bishops of Ireland, and I am even here strongly supported by the letters and by the presence of several of the bishops—one archbishop, and several of the bishops of Ire-

land—and you have one of these bishops going far beyond anything that was ever said by any one of the speakers at any meeting, and saying that not only the rents should be lowered, but that the landlords were bound to make restitution for the past and give back to the tenants the rack-rents they have taken from them. And, gentlemen, will you say, because you must, that Dr. Moran was a conspirator, if you convict the traversers. At Dooleague, July 18th, where Messrs. Walsh and Nally were present, Mr. Nally made a speech, and, gentlemen, made a speech of the usual description, and it was a terrible denunciation of a lady whose name ought to be received everywhere within Ireland with gratitude—even the Crown themselves refused to put in the speech, and, unfortunately, gentlemen, the Crown, having some good reason for not putting it in, I myself, not having seen the speech, asked to have it read, and I regret I did. I pass from that speech by saying that Mr. Nally's speech, some portions of which were read, was on a par with the rest of his addresses. At Keash, on the 25th July, Mr. Sheridan said—"Some documents have been handed to me; amongst them I find some little facts, which certainly are remarkable. On a certain property I find that the landlord has given a holding to Anne Halloran, valued at £12, and she now has to pay £25 2*s.* 4*d.*, that is as good as asking 2*s.* 3*d.* in change for a 1*s.* The district of Battlefield I find is the same:—Mary Hannay, land worth £11, rent £22; Bridget Hannan, land worth £7, rent £14 0*s.* 4*d.*; John Higgins, land worth £20, rent £30; Widow Mary Higgins, land worth £6 5*s.*, rent £12 (Voices—'Down with him'). There is a specimen of Irish landlordism. There is another widow on his land, a Jane Hughes, her land is worth £3 5*s.*, and her widow's cap does not save her in the presence of this land tyrant." Judge of these facts—facts groaning through the land, and what gave rise to these meetings; it was because the people of Ireland felt—to use the terribly poetic expression of Mr. Miller—that they were wasting away under the old dispensation. At Lackagh, on the 1st August, Mr. Sheridan says—"Mr. Chairman, and fellow-countrymen—I feel proud of seeing you assembled here to-day in your thousands; we must assert our rights, and if we do not get them through our members of Parliament, I would ask you then to ring your voices through the muzzles of Minnie rifles." Now, that is a very strong expression to use in the heat of oratory, and I would ask you to say that Mr. Sheridan never intended it, because you will presently hear the expression of Mr. Sheridan calling on the people not to raise their hands against a mortal. I only use this extract for the purpose of showing that you ought not to be led away by the unguarded expressions used by him in the heat of oratory. Mr. Gayer, gentlemen, at the same meeting, says:—"The Bill which Mr. Gladstone has brought in, in order to afford some small relief to the suffering tenant-farmers of Ireland will go to-morrow among a bad lot—the House of Lords—the hereditary fools of the country (cheers and laughter). Let them reject it if they dare. The people of Ireland are determined to be no longer trampled upon by those who have no merit but their birth (cheers). Mr. Gladstone was taunted by some Orange scoundrels, both in the Lords and Commons, with bringing on this bill. Mr. Gladstone's reply was—'There is yet justice in these land meetings, and when we take away their justice by legislation, then, if there be any disturbance of the public peace, we will prosecute them.'" At that time Mr. Gladstone feared or hoped that the bill would not be thrown out by the House of Lords, and he had no intention of prosecuting these parties at that

time. Meeting after meeting had been held, and speech after speech delivered, and yet he had no intention whatever of prosecuting these parties, and absolutely Mr. Gladstone regarded these meetings as forcing public opinion in his favour, and it was not until the bill was thrown out by the House of Lords, that Mr. Gladstone and his Government were hounded on to this prosecution. At Miltown, on the 25th July, Mr. Brennan attended that meeting and spoke, and Mr. Nally attended. You observe what the constable said as to Mr. Nally's condition on that occasion, "he was sober enough." I shall not refer to Nally's observations, nor do I intend either in the course of my address to you further to relate to them—to revert to what took place on this occasion when he delivered this extraordinary address. Nally spoke on that occasion, and it was one of the few occasions in which they managed to get down a gentleman from Dublin. The constable says he was sober enough—he would not say he was drunk—"he was sober enough." At the Frenchpark meeting, on the 1st August, Mr. Harris, Mr. Walsh, and Mr. Nally were again present. At that meeting Mr. Harris was present, and Mr. Nally was not allowed to read or propose a resolution. You heard what the constable said in answer to my questions—"I believe Mr. Nally did not propose or second any resolution?—He did not." And it was after the meeting was over, and when the men who had addressed the meeting were gone, that the people, who liked the fun of the thing, gave cheers for "Scrab," and then Nally came forward, and when the heads of the meeting were gone, made one of his characteristic speeches. But with all these facts before them, the Crown included him in that indictment—"You are a conspirator with Mr. Parnell. Mr. Parnell, you are responsible for all Nally's utterances"—that is a very great compliment to Nally—"and Nally you are responsible for all Mr. Parnell's utterances, and you are a conspirator with him, and he is a conspirator with you." At Knocknagee, on the 8th August, the Rev. Mr. O'Leary, the parish priest, is again in the chair. He says, "we are met not to create any revolution—we mean to keep the law and not take any man's property." At Ballintubber, on the 8th August, Mr. O'Sullivan speaks. He says, "There is one great evil in this country which has not been touched upon to-day, it is the evil of absenteeism. The absentee landlords bring six million pounds of the country. I am not speaking of these landlords who spend part of their time out of the country. Take that, since the Union, eighty years ago, 480 millions of money—put that into the country to-day without its interest at all, and what a wealthy nation will you not make Ireland. Belgium is not one-third the size of Ireland, and yet its population is almost as large." Because there, gentlemen, the people are not wasting away. There is no such thing known as eviction there, nor is there in any country in the world except Turkey; and I am sorry to have to compare the laws of our unfortunate country with the laws of Turkey on the present occasion. "We ask you now to pay no rent whatever until you have legislation on this question." There is one speaker going in for no rent whatever. Another says, "pay no rent beyond Griffith's valuation." Others, "don't pay at all until we have legislation." Is there any proof there of intent or combination? We say there is nothing like conspiracy in what we are doing—we are all working for one common end—for the good of our common country. Bear in mind that at the same meeting Mr. O'Sullivan and Mr. Sheridan spoke, and at the same meeting you have a diversity of opinion. Mr. O'Sullivan says—"We will pay no rent whatever until we have legislation," and Mr. Sheridan says—"If a man be evicted let no man pay any

rent until the man is restored." At the same meeting they give expression to widely different opinions as to the proper means by which each thinks he can attain his object—that is the good of Ireland. Now, gentlemen, Nally spoke as usual, and it appears that at that meeting Nally, who is said to be a conspirator here—Nally, who is said to be a conspirator with O'Sullivan—Nally was refused by O'Sullivan to be heard and then the constable was obliged to admit that he did not get liberty to speak at the meeting. "Did you remark Mr. O'Sullivan endeavouring to prevent Mr. Nally speaking?—I did. I also remarked him at the beginning of the meeting. Mr. Nally submitted his resolution and Mr. O'Sullivan said they would not put it." That fact alone, supposing you had no other fact in the case, with respect to Nally, ought to suggest to your minds that there was no conspiracy, or combination, or concert between the parties. After Mr. O'Sullivan going down there to speak, and when this man was about to address the meeting, refusing to allow him—is that evidence of concert? Is that evidence of combining together as to the means? At Tuam, on the 15th August, Nally again speaks, but the witness says it was after the others had left the platform. I am going a little into detail, for the purpose of showing you that Nally—except on one or two occasions when he forced himself to a certain extent on the audience, was never allowed to speak at any of the meetings, but taking advantage of the presence of the multitude, he spoke to them either before the meeting commenced or after it was over. At Dooneen, on the 22nd August, Mr. O'Sullivan says, "If a poor man is evicted he is offered five years' compensation, but if the landlord is evicted he is offered twenty years." Different altogether from Mr. Parnell. Mr. Parnell says twenty years would be too much, and the other says twenty years is the proper thing. Where is the conspiracy there? At Ballingarry, on the 22nd August, Mr. Boyton says—"We do not tell any man to pay that which is not just, but we do tell every man what God tells him, and what the Archbishop of Cashel tells him, that there is no first claim in rent, that yourselves, your family, should be first fed, housed, and clothed before you pay one farthing: bear that in mind, and any man who tells you we are counselling dishonesty, tell him it is false." And is it false? What does a man take land for? Is it for the mere purpose of paying the landlord his rent, or is it for the purpose of endeavouring to support himself and his family, and clothe himself and his family out of it. "Live and let live," that is the maxim not of our law, but of the entire nations of the world. "God says you must live out of that soil, and you are told from the mouth of St. Paul and the Archbishop of Cashel that rent has no claim on your earnings (cheers). Therefore, I wish the vote of thanks to go forth." These are the opinions of Mr. Boyton, and he introduces them by saying, "We don't tell any man to pay that which is not just." The Rev. Mr. Hickey, gentlemen, at the same meeting, the chairman, says "this meeting is assembled for an important purpose," and then he refers to what it is—I need not read that speech throughout, but I will read one extract—"The best writers on political economy and the greatest statesmen of the age, men in the Cabinet, and out of it, Mr. Gladstone himself, the Prime Minister of England, admits that injustice is frequently perpetrated on the tenants in Ireland. Of the truth of this the tenants at least of Ballingarry need no proof; many of them have sad experience of it. If you work for thirty years; if you build the best house on your farm, and make the best fences on it, and drain it thoroughly and manure it well—in a word, from being perhaps waste and

covered with furze and heath, if you make of it a good and productive farm, is it not an injustice after thirty years, when your lease is up, the landlord steps in and robs you of all your means, robs you of your toil and labour; and he can and does do this with the sanction of the law as it now exists. In plain language, this is simply a great injustice, and it is an injustice, unhappily, not of rare occurrence." Mr. O'Sullivan, at Clonakilty, on the 29th August, says—"Now, before we part, after a very successful meeting, I will ask that our late chairman do leave the chair, and that Mr. Farrell be called thereto." He then says—"Now, what is the system that we will substitute for it? It is this system which prevails in all the European countries. In Belgium such a thing as a pauper was never known. In Ireland we know them well enough. What is the reason that in one case the man who tills the soil knows he has no man, when he makes the land worth from three to eight shillings an acre, he has no man to raise it up to nine and rob you of the work you yourself did on the soil? Who made the improvements we see everywhere? Was it the people or the landlords? If you saw a landlord digging, if you saw a landlord rooting out the 'spuds,' why then he is by all means justly entitled to the value of his labour. If you see no landlord with his spade in his hand digging there, and if you see him charge for your labour, tell him, 'You are robbing me and I will not stand it longer' (cheers). We can create a peasant proprietary in this way, to take the banks. They issue a certain number of notes beyond the actual coin they have, and they issue that on credit. Now the Government, the land is certainly a greater security than gold, for you may lose gold in the sea, on the land you cannot lose it, so now let the Government issue land debenture notes, having the land as security, and we will buy out the landlords." That is the case of Mr. O'Sullivan. He then goes on, as he seems to have done at these meetings, to give the best way of buying out the landlords, and that is by giving them twenty years' purchase for the land. That is Mr. O'Sullivan, this dreadful conspirator, who had but the common good of his country in view, and strove to attain it by perfectly legal means. At Clonmacnoise, on the 5th September, Mr. Sheridan, who on one occasion spoke of Minnie rifles in the heat of argument, says:—"We shall never combine ourselves in an organization or combination which would have for its end the subversion of the Catholic religion in this land; and I am sure you would join with me, with a torch in one hand and a sword in the other, and not allow the religion we have so long cherished in this country to be sacrificed; and we never will, and never shall, permit any man or number of men to establish amongst us Communism in this country. The same stand that I would take for the religion of which I am an unworthy member, I am here to take the same stand to defend the Protestant, the Atheist, or any other. I would let everyone go before God and worship with the dictates of their free conscience, and may God defend the right." Gentlemen, that is one of the men whom the learned Attorney-General described as the "apostates of Communism." That was his expression. If Brennan is a Communist, then Sheridan is not a Communist. Where is the unity of purpose? Where is the combination? Where is the concert? These observations of Mr. Sheridan, I say, reflect credit on him. At Ennis, on the 19th September, Mr. T. D. Sullivan says:—"Now, my friends, this brief session of Parliament that we have had was but the preliminary canter of the new Irish party"—just bear in mind that the Disturbance Bill had been thrown out of the House of Lords, and see what he says there—take no one isolated

passage here and there but take the whole of the speeches during this year and see what they wanted—was it not to assert their rights in a constitutional manner. He says, "Now, my friends, this brief Session of Parliament that we have had was but the preliminary canter of the new Irish party. If a Tory Government had been in power, we would have shown them what we could do, but a Government is now in Parliament which professes an intention to deal fairly by the Irish people, and they ask from us, my friends, a little time. They say—Give us a little time, we have come suddenly into power; we have not had time to frame our measures; wait and see what we will give you, and deal with us accordingly. Well, now, we have thought that that was not an unreasonable request, and although we acted firmly and spiritedly upon many an occasion in that House, still we had a reserve of power and a reserve of plan behind us that we have not yet brought to bear upon this present Administration (hear, hear). But if we find that they are fraudulently deceiving the Irish people, if we find that the Land Bill for which they have told us to wait, is a sham, then we will show them what the new Irish party can do." The Government say give us a little time, and what is Mr. Sullivan's answer on the 19th September—that this agitation that has been described by my learned friend, the Attorney-General, as one of murderous intent—what does Mr. Sullivan say "They say give us a little time." At that time there was no Parliament—no Parliament until January, and what does he say—We will give time to Parliament. Mr. Gladstone asks for time, but in the meantime agitation—legal, constitutional agitation—went on, not for the purpose of opposing, but for the purpose of enabling the Government, as they will be able to do during the present year, to force the House of Lords to pass this Bill. At Cloneal, on the 19th September, Mr. Walsh,—another of these dreadful Communists—says, "If a neighbour were to injure you, it is better it should go unrevenged." That is the teaching of these people. Don't judge them by the teachings of such men as Nally. All through you found them warning the people. Mr. Nally spoke at that meeting, and I wonder a report of it was furnished. It astonished me that the Crown would put up a witness to implicate Mr. Parnell, who never saw the observations he made, before he gave evidence at all, and knowing Nally said, in answer to the Attorney-General, "He was drunk at the time." They included Nally in the terrible indictment, charging him with being a conspirator with Mr. Parnell. The Attorney-General and the Crown must have been aware of this man's condition when they included him in this indictment, because they had the report of one of the sub-constables that Nally was drunk when he made this speech; and what object was there to be gained by including him in the indictment with as high and honourable men as any in the Cabinet, whom they seek to make responsible for his observations. This Nally was drunk when he spoke—proved to be drunk—not by cross-examination, but by the Crown. And what occurred? We have the constable taking down Nally's observations—observations which they say Mr. Parnell is now responsible for. Drunk before he went up to speak, from the whiskey that the constable gave him at Athboy, on the 10th October. I pass over Dr. Doyle's letter—my friend Mr. O'Brien directed your attention to it, and to the speech made by Dr. O'Neill, a very well known man in Kildare, who had abundant opportunities of seeing the terrible distress in that part of the country; and what does this dreadful conspirator say?

Mr. *Ross.*—It is not given in evidence.

Mr. Justice FITZGERALD.—I think it is Naas.

Mr. *Curran.*—Athy.

Mr. Justice FITZGERALD.—That speech was read.

Mr. *Curran.*—What does Dr. O'Neill say? He proposed the first resolution. "'That we cannot have prosperity, contentment, and peace so long as the present land code permits cruel and unjust evictions, as in the cases recently perpetrated on the Verschoyle property.' He said—Friends and fellow-countrymen, a crisis such as frequently comes round in cycles has again occurred in the history of our unfortunate country. It is a palpable fact that the hungry wolf is stalking abroad, nay, even at our very doors." In this neighbourhood, and in this parish, there are farmers, or rather people who once rejoiced in that name, whose capitals are exhausted, whose savings, hard sweat, and constant savings, are spent, whose credit is gone, destruction and starvation stare them in the face, there is nothing but a wilderness of desolation before them. Suffering as keen and poignant, but fortunately not so widespread in its area, obtains here as much as in the black north, or the dreary west, and any time you can witness staggering over the bleak and arid hills of a neighbouring county as starved and careworn a peasantry as could at any time be found climbing the rocky hills of distant Donegal. These people do not stagger under the influence of potatoes, poteen, and idleness, for they have neither potatoes nor poteen, they stagger under the influence of hunger, absolute and unmitigated hunger"—that is the old dispensation. "And who is he, may I ask you, who the other day traduced in an English newspaper the character of his countrymen, when he stated they were satisfied to live on potatoes, poteen, and idleness." And then he referred to a landlord in the neighbourhood. He proceeds—"This year Providence was a good deal more bountiful, the elements were more kind, the season more propitious, and the fickle river confined itself to its normal limits, but the withering, blighting hands of landlordism are plainly seen to abound everywhere in that locality—ay, the blighting, withering hand of landlordism was spread forth to mar the effects of the Almighty's goodness. An inexorable agent cast these poor people forth before they could gather in their fertile, luxuriant corn the flood had not reached, or dig their floury potatoes to stop the gaping mouths of their starving children, and cast them forth exiles and waifs upon the face of the earth. But the time has now come when we must compel the landlords to yield or witness the sad spectacle of a fine population perishing helplessly before our eyes. Wasting away. No, I would not wish that any one would imbue his hands in the blood of even a guilty landlord. I would not wish that any man would defile his hands by touching the hairs of his head." And then he goes on and says he has another and a better remedy, namely—"Don't take a farm from which another has been evicted." Is he a conspirator? You find him adopting some of the expressions used elsewhere; you find him adopting some of the reasons used elsewhere; but is Dr. O'Neill a conspirator? His observations there were as strong, and some of them stronger, than Mr. Dillon's, who spoke at the same meeting. The Rev. Dr. Doyle's observations were as strong as those of Mr. Dillon—is the Rev. Dr. Doyle also a conspirator? Gentlemen, before you can make my clients conspirators you must make an entire nation conspirators. Gentlemen, Mr. Gordon, who uses very strong expressions, and who has his own way and suggests his own means for getting rid of landlordism, differs altogether from others, for at Kilconnolly he says—"I don't fall out with the man who says the best way to get shut of the cursed system of landlordism is at the point of the bayonet. I tell you,

to-day, if he is prepared to carry it out at the point of the bayonet, I am prepared to follow him." Does that agree with Mr. Sheridan? Does that agree with Mr. Parnell? Does that agree with the other parties who spoke at this place? It only shows, gentlemen, that Gordon does not go as far as Nally. Gordon says we will fight against landlordism, and we will put the landlords out—we will raise a revolution; Nally says, "we will not—we will attack them individually. It shows they disagree amongst themselves and that they do not agree with the other traversers. It shows that there is no common concert, no pre-arrangement, that every man speaks his own individual sentiments. At Clerhaun, gentlemen, on the 10th October, Nally says: "My ambition is to see my people free—to see them in the land of their birth; and my ambition is to see the priest with the people. And when the priest wrongs the people I am the first man to denounce him on the platform. Perhaps you do not know why he is not here to-day. Perhaps you are not aware that he is a landlord. At the late election in Roscommon I had been invited to a meeting, and the priest, a Patrick's Day, spoke from the altar of me, and he gave me a Patrick's pot. I made up my mind to go to his parish on Easter Sunday, and I gave him his Easter eggs. I told the people to hold their shillings in their pockets, and let him go live on his £9,000, and the result was that all the collection he got was 16*s*." And then he goes on to denounce the priests. Mr. Parnell is found working on all occasions with the priests. Gordon abuses the priests. Where is the community of purpose there? The means Mr. Parnell seeks for is to have the priests with the movement. Mr. Gordon says, "I don't want the priests; they have been a curse to the country, and never have been with us." Where is the community of purpose in that? Where is the concert? Mr. Nally is also found to speak at that meeting, but having regard to the time it is, I do not refer to his observations. He did not propose or second a resolution. At Kilbrenon, on the 10th October—I am passing over several meetings so as to be within my time—

Mr. *Ross*.—Mr. Nally did propose a resolution at that meeting.

Mr. *Curran*.—Very well; my friend is anxious to have the resolution proposed by Mr. Nally read.

Mr. *Ross*.—I am not suggesting as to numbers, I only want to keep you right as to facts.

Mr. *Curran*.—Very well. Mr. Sergeant Heron can make the most of it in his reply. At Kilbrenon, gentlemen, Mr. T. D. Sullivan says—"Down in the county of Kerry, at the present time, you may have heard of the doings of an agent who is dispossessing families, and after dispossessing them, in order to prevent re-entry, he is burning the homes that once were theirs, in which they led virtuous, quiet, and happy lives. In Irish history there is now remembered, at the present day, as the name of evil omen, one who, not content with the ordinary process of civil war, left a track of fire behind him wherever he went, and his name is known to this day as Murrock the Burner. It seems to me this land agent in the south of Ireland has become emulous of his fame. He wishes to make his name known to history as Ossey the Burner. Let us not have his evil example followed in this county, which has been sufficiently depopulated already. Let us, in the name of God, have no more of this trouble. They may talk of agrarian outrages. I condemn agrarian outrage." Is that the conspirator with Gordon and Nally? "But the greatest agrarian you can imagine is the agrarian outrage of unjustly evicting a tenant-farmer from his honest home. You are aware that there is at

the present moment going on an uprising of the long-oppressed Irish people against this atrocious system of rack-renting and eviction, known by another name, which tells in one word the whole story of the country —Irish landlordism. Against that accursed system the people are rising in peaceful revolt, and it is high time they should do so; and I tell you that peaceful revolt of theirs cannot be put down if the people prove true to each other." There was a resolution proposed, showing the constitution and nature of the meeting, to which I will refer you very shortly. "That we protest against the threatened eviction of Mr. Hugh Garr, and we pledge ourselves, in the event of the eviction being carried out, not to take that or any other farm from which a tenant has been evicted." Eviction. What is eviction? Mr. M. M. O'Sullivan says—"I have seen one. I have seen a poor widow woman with eight children driven forth from the house which her father built, and in which she got married. I have seen that woman with eight children sitting on the roadside, rain and snow coming on their heads, without a morsel of food. There they were seeing the house they built levelled before their eyes." And I will only ask you, gentlemen, to imagine an unfortunate woman and her eight children sitting on the road upon such a day as yesterday, and will you not say Mr. Parnell was right in endeavouring to get rid of the old dispensation which permitted such an act? "When you read in a novel of an unfortunate woman in the streets of London sitting outside, not the house she has built, but the house of a stranger, are we not moved to tears when we read such a thing in fiction? What must it be when we see it in fact? (cheers). Seeing that, will any man tell me that landlordism is not a thing intrinsically bad?" Now, gentlemen, in order to keep my word, and not occupy more than the time which I said I should last night, I am obliged unfortunately—though perhaps fortunately in one respect—not to refer to any more meetings, nor to as many as I intended I should do. I have not referred to all the meetings. I have high authority for that, for the Crown have not given you evidence of what was said at one-tenth of the meetings held. One constable told you, having given evidence with regard to six meetings—that he had reported about thirty; and, gentlemen, you may well be satisfied that the Crown picked the worst (the best for their case) out of those thirty. I have referred you to some of the observations in Nally's speeches at those meetings, and I have high authority for that, for you may have remarked that the Crown only gave in evidence portions of the address of each speaker. I deny here, gentlemen, what they endeavoured to show you, by referring to some only of the meetings, that there was any common concert, that any conspiracy existed. I admit all had one common object; but they had not that common object because they conspired, but because they were Irishmen, who had in view the good of their country—who had in view the stopping of evictions—who had in view the prevention of the wasting away of our countrymen, and of the bone and sinew of our land—the tenant farmers. Gentlemen, the Government had that object in view also in bringing in the Disturbance Bill of 1880. The Government had the same object—to stop evictions for the non-payment of rent. The Government failed in their object. Mr. Parnell has succeeded. It is not, gentlemen, because a man endorses or promulgates the views of another that he ought to be held to be a conspirator with him, or that everything he says or does must bind the man to the expressions he uses. The declarations of Mr. Gladstone and every other public man are endorsed and used on every public platform, and will you

hold Mr. Gladstone liable for every expression used by those who follow him? Is Mr. Gladstone a conspirator because another man endorsed his expressions at public meetings? or is Mr. Gladstone to be held liable for every expression of that man? Is Mr. Parnell, because he is a great man—I say deliberately here, a great public benefactor—is he to be bound by everything a man says through the country in endorsing some of his views? You have no right to charge him with conspiring with those parties who used his views, any more than you have a right to charge the Right Hon. Hugh Law or Mr. Gladstone with conspiring with those who used theirs. Gentlemen, if Mr. Parnell is guilty of this conspiracy; if the fourteen traversers are guilty of this conspiracy, then, gentlemen, two millions of people are co-conspirators with him; then, gentlemen, a nation should be indicted with him, because the nation had, with him, a common object. You cannot convict a nation. Its aspirations, as I have told you, are founded upon justice; its will is irresistible. A nation conspired in the Corn Law agitation, and it succeeded. In the Reform of 1831 and 1832 the House of Lords threw out the bill in the first instance, and the nation rose up as one man and succeeded, notwithstanding. Riots, meetings, murders, outrages, took place in England; but in the event, gentlemen, the people succeeded and the Reform Bill passed, and Lord John Russell might well say, as he did say, "the whisper of a faction cannot prevail against the voice of a nation." Again, gentlemen, we have the Chartist movement. It, like every other measure, met with resistance, which was only half-hearted; and I believe it is a historical fact that, when it was first introduced, only twenty members were found to vote for it. What were the Chartists looking for? They were looking for manhood suffrage, and they got it. They were looking for annual Parliaments; but they did not succeed in that. They were charged with seeking to subvert the Constitution because they looked for vote by ballot; and yet we have it. They also looked for the abolition of property qualifications in Members of Parliament; and they succeeded. They looked for the formation of equal electoral districts, and to a certain extent we have it; what the Chartists sought was at first refused, and insurrection almost broke out, but the will of the English nation prevailed, and almost every object they sought in that agitation succeeded. Then, gentlemen, there was the Reform agitation of 1867 and 1868. We all recollect the Hyde Park meeting, where the people in their might insisted upon their right to assemble in the public park. They succeeded, and the leader who led them there, and who might have been, and who ought to have been, indicted for it, Mr. Beales, received a high judicial position from the Government. The people rose against the tithes, against the penal laws, and they succeeded. The people agitated for Catholic emancipation and they succeeded. The Protestant Church as an establishment, was swept away by agitation—an agitation promoted and fostered by the present Government when in office. But they forgot, when charging us with conspiring to impoverish the landlords, that they themselves conspired to harass and annoy a vast body of men, against whom Mr. Gladstone's Government could now say nothing but what is good, though Mr. Lowther spoke of that reform as one of spoliation and robbery. I deny that my clients are guilty of conspiracy, or of the intention charged, or that they sought the objects suggested in the information. I say, gentlemen, there was a great public necessity for this agitation. We were prepared with evidence from every district as to the number of ejectments which were poured down upon our unfortunate country like snowflakes. His lordship said that evidence was

unnecessary, because it must be admitted there was a very large number of them. But, gentlemen, if we had been allowed to go into that evidence we would have shown that the number of ejectments since 1845 considerably exceeded 200,000. The object of the agitation, gentlemen, was to rouse the people to a sense of their wrongs, and by agitation to strengthen the hands of the Government in bringing in a Bill during the present year suitable to the wants of the people. We were charged by the Attorney-General with using Boycotting. It was he who used the expression first. I deny my clients conspired to cause Boycotting. It was the remedy suggested to the people themselves roused, as they were, to desperation by the state they were in. It is a system not founded by the people themselves, but founded by the men who are now charging us with it. We are charged in the particulars with having done these acts. The Crown did not dare to bring forward a single man who could swear to any individual act of aggression taking place in Ireland. Were they afraid, gentlemen, to subject the witnesses to cross-examination?—as they shrank from allowing us to give positive evidence as to the state of Ireland and the evictions. Without going into anything my learned friend Mr. O'Brien said about the system of Boycotting—the expression which the Attorney-General used—may I refer to rules on some of the estates in the country? Who first introduced Boycotting? I deny my client conspired to do so. But who first introduced it? Was it not the landlords, by the terrible rules on some of the estates? You heard Mr. O'Brien reading that terrible case cited in one of the speeches of Mr. T. D. Sullivan, that an unfortunate woman about to be confined was, by the rule of the estate, prevented going into the house of her own father because she was married—how the father was fined for giving her shelter for a few minutes—how she was confined on another man's land, and how he too was fined for having received her. Is that Boycotting? Is that cutting off from intercourse, social or otherwise, parties living in this realm? The Crown was satisfied, gentlemen, themselves, that they should prove concert in Dublin. They failed signally in proving any concert in Dublin, though you saw here the owner of the landlords' paper in Dublin producing those miraculously preserved transcripts of the reports of the meetings. You saw him endeavouring to produce them, and the Crown equally failed in giving any evidence whatsoever upon the subject, except about one meeting, for which they had to summon a gentleman from London by telegraph to prove it. Knowing in their hearts it was absolutely necessary that the jury would not believe these men acted in concert, they thought it absolutely necessary to prove these meetings in Dublin and they failed, except in this one meeting. What did they prove? That Mr. Parnell and his party acted for the relief of the distress, and gave to the Government help—gave them £150 towards what they ought to have done themselves long before—relieved the distress, which they failed to do. With those observations, gentlemen, I again deny that the traversers conspired with the object or in the means charged. I shall now conclude. The considerations, the arguments, the solid facts which have been laid before you, will, I am convinced, outweigh in the balance of your judgment, all the plausible, but perfidious opinions advanced to sway it. It is the privilege of the prosecution to have the first word and the last—to make the first and last impression on the minds of those who judge the case—but the noblest privilege of all is ours, for we plead in the name of Ireland, we appeal to eternal justice, and we speak the word of invincible truth to the intellect and hearts, to honourable and just-judging Irishmen. These Courts are

full of sad and noble memories, to some of the grandest of which the recollection of many here may reach. Amongst us still is one who played an eminent part in the greatest legal drama of recent times. Like another Nestor, he remains, having seen a generation of men fall around him like leaves of the forest. Mark the strange, the significant coincidence; he is now again, as in the days of his youth, to defend Irish representatives charged, with what? With conspiring to procure amelioration of laws, and to secure the prosperity of our native land. Those before you have not indeed had yet to suffer the reiterated attacks by which it was sought to crush to the earth the Titanic strength of his first great client—Ireland's popular tribune. He was born in darker days, under the gloomy cloud of that penal code which England imposed, and which a Parliament of Irish Protestants greatly relaxed. His efforts to dispel it entirely were surely the most legitimate, the most admirable of any that history recalls; for the champion of civil and religious liberty sought nothing for his own, that he did not labour to extend to all who were in trammels. Yet the Catholic Committee was put down by Government—the Catholic Board was put down by Government. O'Connell was arrested by agents of authority, and when the case against him broke down, the Algerine Act of 1825 was passed to suppress "unlawful associations in Ireland," under which his Catholic Association had to fall. Finally, he was put on his trial for conspiracy, found guilty, and flung into prison for having sought what he thought was best for Ireland. I ask you, my lords and gentlemen, to ponder over this question. What if the prosecutions against him had triumphed? What if O'Connell's career had been broken at its beginning and all his plans—his "conspiracies"—perished? You, my lords, would not be now on that bench to hear this case. Most of you, gentlemen of the jury, would not now have the right of deciding on its issue, nor should I have had the privilege of addressing you. The constable at the gate would have had the power of forbidding entry to us—as to so many pariahs—had these charges of conspiracy triumphed. Say, gentlemen, by your verdict that this new charge of conspiracy shall not triumph. Say that three millions of your countrymen shall no longer be excluded by bayonets or crowbars from man's proud prerogative of equal rights, from the peace, the hope, the unspeakable happiness of a free and independent life. The High Court of Appeal in Westminster broke and branded the verdict which condemned the Liberator for conspiracy. Who would offer themselves for such humiliation? Who would accept such disgrace? Who would bear such disgrace? Not you, gentlemen, I am convinced. Let your verdict, therefore, soar above all clouds of reproach, and show—almost for the first time, show—that, on a great occasion—on a State trial—an Irish jury can take into its consideration nothing but the pure principles of justice. This is your peculiar privilege; and it will be your peculiar and immortal honour to deliver a verdict which, whilst vindicating the facts of the case, shall commit your names to history, as those of incorruptible and impartial men, who, breaking down a miserable tradition of persecution, opened a new era in the annals of our courts, and gave to their country a noble confidence in justice, and a glorious hope of future freedom and prosperity (applause in court).

Mr. Justice FITZGERALD.—Policeman, there is a person behind there who is clapping his hands persistently. Exclude him from Court—the man with his hand to his face, there. [The person alluded to left the gallery.] Now, who next addresses the jury.

Mr. *Francis Nolan*.—May it please your lordships, gentlemen of the

jury, in this case I appear on behalf of Mr. Sexton, the gentleman who is Member of Parliament for the county of Sligo. Mr. Sexton is a young man who, before he became a member of Parliament, was well and honourably known in Ireland for his literary attainments. He, gentlemen, was also known as a public man, but he was well known as a literary man, and at the outstart I do complain of the social depreciation which is sought to be cast on some of the defendants in this trial; and I say with all respect to Her Majesty's Attorney-General, that it ill-becomes any barrister to question any one who has raised himself to a considerable position by literary attainments, because any position we, gentlemen at the bar, have had or any position we may hope to gain is won by intellectual power, and not by powerful influence. Gentlemen, the county of Sligo is by some people called a northern county, but it is situate in Connaught, as you know, and up to the year 1868, as far as I am aware, it was represented and was always represented by landlords of great positions in that county. In that year, gentlemen, one seat was gained on the Church question by a popular candidate. Up to last year a landlord continued to hold one seat, and the two members in the year 1880, were Mr. Denis O'Conor (brother to The O'Conor Don) and Colonel King-Harman, a landlord against whom I am not going to say a word. He was a gentleman of immense landed estates, amounting, they say, to as much as £30,000 or £40,000 a year. He was not considered by Irish tenants a satisfactory member on the land question, and at a public meeting of laymen and of clergy, called together by the Bishop of the diocese, Mr. Sexton was put forward as a candidate for that great county. He was, gentlemen, returned on that land question to represent in Parliament the interest of the Irish tenants, and it occurs to me it is a strange thing, that within a few months after he is so elected he is now arraigned in a public Court for seeking to do his duty——

The *Attorney-General.*—Certainly not.

Mr. *Nolan.*—I say yes; of course the Attorney-General says no. You, gentlemen, will decide between us. Gentlemen, it is a curious thing, too, that up to this time few people noticed the revolution which in '74 was effected in Ireland. It was not noticed until the election of '79, and that revolution was effected by the ballot. Gentlemen, it has been said—"Down with landlordism," but before I have done I will tell you what meaning I attach to those words. But if any one knows anything of elections, and particularly of elections before '74, they know that one of the terrible powers of landlords was the power of eviction. I know its power, and no one need tell me that their power at elections has gone yet. They had enormous power. Up to 1874 they returned representatives for the whole of Connaught nearly. They returned them, gentlemen, for the whole of Ulster, and a large part of Leinster, and in Munster. You gave them the ballot in 1874, and then to a certain extent for the first time men were returned freely chosen by the tenants, and more so in 1880, when the tenant learned to know the power of the ballot, and learned to know that it was untrue, as persistently stated over and over again, that the landlord and the agent could find out how the tenant voted. Then, gentlemen, I say the revolution was a perfectly fair and legitimate one, and it was pointed out by Mr. Bright, speaking in the House of Commons—when he pointed out to the Irish members, and said "there is one thing at least that the Liberal members have done for you, they gave you the ballot." Yes, they did that, and they owe their power at the present moment to it. That being so—what happened? In the month of August, or the last

days of July the House of Lords threw out the Disturbance Bill — threw it out with derision. Allow me to tell you, that if every Tory member of the House of Lords had stayed away the Liberals were beaten by their own men—the Liberal lords in the House of Lords. That is a notorious fact—the Liberal lords who thronged from Ireland, who thronged from every part of the world, to defeat that measure of justice—they beat the landlords themselves who were the supporters of the Government. Gentlemen, that is a very strong statement; mind it is perfectly true; there is not a shadow of a doubt about it. It was thus the Tories felt about the grand land measures that they were talking about—there was not much chance of them. Well, what happened? There was agitation. There was speaking in the country, and in the month of September and in October members of Parliament went about Ireland and spoke. Five members of Parliament are indicted, and because they did not use very strong language they have brought in Nally, making Mr. Parnell, and Mr. Sexton, with his high literary attainments, answerable for his words —words spoken months before. Gentlemen, they have only given in evidence some of their meetings. I wrote down myself, as I went along, the number of members that attended these meetings proved in evidence before you. That number that I have written down is twenty-seven members of Parliament. Some of them might not be millionaires. They might not be possessed of £40,000 a year—there are no Irish and but few English members who have; but they are all of one class of politics. You have Arthur Moore, a landlord I am told of £6,000 or £7,000 a year, and Mr. Metge —I know nothing about it, but I believe he is a landlord highly respected; and you have Mr. Molloy and Mr. Arthur O'Connor and The O'Donoghue, Mr. Daly, of Cork, a merchant of that city of the highest position, and Mr. Healy and Mr. Corbett—I could go through their names, twenty-seven in all. Many a Ministry has fallen on the vote of twenty-seven—and other members attended these meetings whose names are not given. And then, gentlemen, you have the indictment—an indictment for the agitation that is carried on this way. This is a new history in indictment. A great Irishman once said—he was no Communist, he was an advanced Liberal—"I never knew," said he, "how to frame an indictment against a nation." I ask you if what has been framed here is not an indictment against the nation, for I say you have the representatives of the tenants going about the country agitating; and here you have twenty-seven proved, and you know you had in Ulster those advocating land measures of reform, and measures of reform which were looked upon four years ago as almost Communistic by the great Liberal party. You have Mr. Litton and Mr. Findlater advocating now for some fifteen or sixteen months—I am not speaking of the men but as Liberals—advocating fixity of tenure to be granted at once. Gentlemen, you have the agitation going on in Ulster. You have the Land League in Ulster. You have everything in Ulster, and you have it in Connaught and in Munster. And they are all indicted at the bidding of whom? Who wants to crush this agitation? Who? I say it with regret and sorrow, at the bidding of a member who has done good things for Ireland, and who, I trust, will do it again. Mr. Gladstone passed the Church Act. I know not your opinions upon it. He passed the Land Act, which has failed, and I say it, having a distinct recollection of the time it passed, having some knowledge of the working of that Act, that I believe that the English party, when it passed that Act, if it

had tried, could not have passed through the House of Commons a much stronger one. But, gentlemen, you have it now—they come forward and indict these different defendants for this agitation. It seems to me rather a strange thing that Mr. Gladstone should seek to put down this freedom of discussion. What do you do? If you find that members of Parliament went about making speeches—no matter how criminal a speech may be—no one is answerable for it unless it is done for the purposes of a conspiracy, and cannot be made answerable for it, like Nally in another indictment. But if a member of Parliament is to be indicted because he attends a meeting, and because other members of Parliament or individuals make strong speeches—if he is to be liable to be indicted for a conspiracy, you must cripple the power of a member of Parliament. A member of Parliament is asked to attend a meeting, and he feels that if he attends it they will be holding him responsible for the speeches made at it. Mind, gentlemen, that is a formidable thing. You interfere with the liberty of the subject when you interfere with the liberty of their representatives. Mind, gentlemen, what you do is this—you interfere with the power of holding meetings. Now, I wish to know is it lawful to hold election meetings? I know I will be told it is. But I want to know if because some individuals make strong speeches, there is to be a conspiracy alleged that you, gentlemen, sought to do wrongful acts. And mind this—that once you embark in this old-fashioned doctrine which they have driven out of England and Scotland—if you do that, what will be the result? You cripple very much the power of holding meetings, because if you do that I will at once admit candidly you give the landlords a very great and very considerable power in every election contest. I remember, gentlemen, reading long ago the work of a French writer, who said that the world was very much indebted to O'Connell. What, gentlemen, was the reason he said that? It was not for Catholic Emancipation—the French wish well to Ireland, but it did not affect them. It was because he taught the world the power of constitutional agitation—the power of meeting in public meetings, meeting men who agreed and men who disagreed with you, and expressing your opinions. And he said the world had learned from O'Connell the great power of agitation, and had made use of it. And it is a curious thing, no doubt, that all great reforms have been carried in the present century by the agitation which O'Connell founded, and of whom every Catholic must always speak with respect. No one thought of indicting O'Connell. They could not indict O'Connell for one reason, because, to their honour be it said, in those olden times the English Liberals were embarked in the same agitation. I will show you that these doctrines which Liberals are now taking up—fixity of tenure—was scouted years ago by that great party, and when bills were brought in for that purpose only three or four English members were prepared to support them. You then have the Reform Act. You had the Central League. Was that lawful, was that legal? Were there not excesses? Yes, there were excesses. The castle at Nottingham was burned to the ground, Bristol was in a state of riot for three days, and the Recorder of Bristol was attacked and had to escape from the city as a postilion. Fancy, gentlemen, if there had been in this Land League—if there had been an attack made upon a single judge or chairman—if there had been a single word said against them, what would have been said of it? But no, gentlemen, there you had that agitation carried on, but nobody dreamed of holding the Reform League responsible for those excesses. Lord John Russell was not responsible

because Bristol was burned down. The agitation was legal. The agitation was carried on by legal means, and if enthusiasts go and make illegal speeches, why, gentlemen, that is no reason that honourable men, that men who have saved their country, that men who have stepped forward in the hour of danger, are to be indicted, and the country deprived of their services. Well, gentlemen, there was no indictment at the time of the Reform League. Lord John Russell was not indicted, and I will give you another reason why he was not indicted. I am not speaking of juries impanelled in the way you are now under the Act of Lord O'Hagan. Lord John Russell said, speaking of Irish juries—"Irish juries had always leaned in favour of the subject, and against the Crown; and in England they had always leaned in favour of the Crown, and against the subject." There was the thanks that a Liberal Minister gave to the verdicts given in the olden time by juries impanelled in the way you know, but in the last great trial it was declared by Englishmen in the House of Commons, as my friend, Mr. O'Brien, said, to be a mockery, a delusion, and a snare. Then you had the Anti-Corn Law League, when Mr. Cobden went through the country preaching it everywhere—a measure most disastrous to landlords, and calculated to injure tenants. Let me tell you—it is very good for the mercantile community; it is very good for the workmen of England and for people living in Dublin, but if you bring down the price of corn it is bad for the landlord and it is bad for the tenant, for the amount of corn they eat is in small proportion to the amount they have to sell. Did any one indict Cobden? No one dreamed of it. On the contrary, in 1860 Mr. Cobden was in America when a new Government came in, and it was stated that they kept an office open, and offered it to him when he came home, and he declined it. Gentlemen, they did not offer office to Mr. Bright, because Mr. Bright, as stated in that remarkable speech of his in October, had made some observations disrespectful to the House of Lords, and Lord Palmerston wrote to Mr. Bright to say that he could not offer him office in consequence of that. Mr. Bright told the story in October, and perhaps here in Ireland the people will think that as to the House of Lords, the Liberals are slightly improved without the sanctity of that body being in any way interfered with. Then you have had the Reform Act of '66. What happened? Mr. Beales was the head of the Reform Act. The Liberals were out of office, but they were in the majority. The Liberals said they would hold a meeting in Hyde Park. Mr. Beales went there in a carriage with several other people. The gates were shut. The Conservatives said they would prevent the meeting. They had troops to prevent them, and they were under arms, not only in London, but in Aldershot. The people broke down the rails. That was illegal; they had no right to break down the rails, but no one held Mr. Beales responsible for that. What happened? Mr. Beales went the next day to the Home Secretary and complained and Mr. Walpole, the Conservative Secretary of State, somewhat wept as he rather apologised for the inconvenience to which Mr. Beales had been put. What happened about the Reform Act? Why, the Conservatives, who wanted to stop meetings in favour of it, carried a much more violent measure than Mr. Beales, or than Mr. Gladstone, who was in opposition, sought to pass. And when the Liberals came into power in '66 they rewarded Mr. Beales with a county court judgeship in England. That is the way agitation is carried on there. The next thing is the Eastern agitation. You remember the agitation when Lord Beaconsfield was in power. They had a majority, it was said, of some forty-eight, but practically it was between seventy and eighty, because

there was a majority of the Irish members voted with them. What did Mr. Gladstone do? He held a meeting in St. James's Hall—I don't care what your opinions may be, I am only vindicating the right of public agitation, and I must vindicate it whether people agree or disagree with my views. Well, Lord Beaconsfield—I forget whether he was Mr. Disraeli then or not—he said this was a most fearful agitation, it was directed to foreign politics, and it was said by his party that it interfered with free will. I think it did. But for the meetings held in St. James's Hall, and, indeed, all over England, I think Lord Beaconsfield would have gone to war. That might have been a good or it might have been a bad thing; but if he had gone to war he would very likely have been now in power, because the country would not in all probability turn him out in a time of war. Mr. Gladstone may have done a good thing, or he may have done a bad thing, but he agitated; and if you interfere with this right of meeting, you, gentlemen, crush agitation. Are you going to leave it in England and put it down in Ireland? Are you going to put it down in Ireland, where there is such a large number of members of Parliament as twenty-seven, whose names I have read—and there were more—in favour of it? Of course these men have not the position of Mr. Gladstone in this way, because they are not the men who are immediately to succeed in power if there is a change, and therefore they would not have the chance of indicting their opponents. Well, gentlemen, I call your attention to this right of agitation, and I say it is a grave thing to interfere with it. Is there any precedent for this prosecution? There is none, except in the O'Connell trial, which everyone must regret, because it was a trial where it was found that the Crown did not impanel a fair jury, and, of course, it is no authority, because the verdict, once the names of sixty-two Catholics were cut off, was not entitled to respect. Well, is there any precedent? None. The closest thing to it is the case cited by Mr. Macdonogh—that is the closest to it. Well, what was that? That was the case of the Seven Bishops—in the old time of the Stuarts, no doubt. I don't think the Stuarts would have allowed these public meetings. I don't think they would, but in those days the Constitution of England was a despotism. It is now a different Constitution; it is a limited monarchy. The Seven Bishops had the audacity to petition the king, and say that the king had no right, by his own free will, to say that Acts of Parliament should not exist. Well, what happened? When they petitioned the king they were indicted—the king seemed to think that people should not petition—that he should know their grievances of his own free will, and remedy them. They were indicted for petitioning. That was in the olden time, and, gentlemen, a British jury did what might be expected from a British jury under the circumstances—they acquitted the Seven Bishops, and Mr. Macdonogh has told you the approbation with which that verdict was received. You now, gentlemen, have for the first time a prosecution against five Members of Parliament, and they have also indicted some eight or nine other gentlemen. This is the first time in the history of England that five Members of Parliament have been indicted, and, gentlemen, I think you must see that the language which they are really sought to be held liable for is the language of others and not their own. Well, gentlemen, what is it said they want to do? They want to effect a change in the law of landlord and tenant. They want to effect no doubt, a very considerable change, for they want to establish a peasant proprietary, and, gentlemen, the reasons they give is that this system of landlord and tenant has been tried and failed; that Ireland is not a prosperous country, and that in the history of the past, so in the present

that this has all arisen from landlordism as it is called in Ireland. Now, gentlemen, what is exactly landlordism?—of course, gentlemen, you must all yourselves have a certain knowledge of that. But after all you are living here in Dublin, and you cannot have an exact and intimate knowledge of what it is in the West, South, and North. The English public profess occasionally not to have sufficient knowledge, and they issue what are called Commissions, and at the present moment they have a Commission, and I wish we had their report. We have not got it. I suppose it is gone over to London, but we have not got it, and it is one of the parts of this case. It appears that some of these Members of Parliament do not admire that Commission. Mr. Parnell, in one of his speeches, said he would offer no opinion upon it, but he thought there was a good deal in what Mr. John Dillon said, and Mr. Dillon evidently does not admire that Commission. Why don't they admire it? Well, it is a curious thing that the Commission is composed of five gentlemen, each individually perfectly unobjectionable, but collectively not approved of. One was an eminent judge, and, of course, there was no objection to him, but the other four to determine the question between landlord and tenant—one was a gentlemen no one could object to, but four of them were landlords. And I am not saying that they were improper persons to be on any Commission, but this Commission was objected to because they had not a tenant-farmer on it. The Ulster members objected to it because there was no one on it to represent Ulster tenant-right. However, we have not got their report. They have not given it to us; and, gentlemen, as we have been striving by agitation to abolish this system, it would seem to be reasonable to present to you some evidence on the character of the acts. When this indictment was read it was considered by the counsel for the defence that under it it would be open to the Crown to prove by *viva voce* evidence the character of landlordism; and, therefore, that it was then the province of the defence to answer it by also showing on behalf of the tenants their opinion, or, rather, the opinion of their clients on the subject. Accordingly, gentlemen, an enormous number of witnesses were brought up here. Inquiries were carried on in this country for two months. I need not tell you, gentlemen, that that was done at enormous expense—in order that for once before a tribunal in which landlord and tenant ought to have confidence we might have put forward those acts, true or false, which the tenants allege against the landlords; and don't tell me that it would be one-sided, because the Attorney-General must know, as we consider, it would have been open to him to produce rebutting evidence. You saw the witness here, you heard the defendants or some of them denounced in a speech by the Attorney-General for the words spoken of landlords as being living by their tenants; speaking of them in passionate words; speaking of them, to abolish them, as Communism. Gentlemen, it turned out that the advice of the defendants' counsel was correct, and that we were entitled to examine these men. They put in that count for the purpose of putting in any evidence they wished against the defendants; they had the use of it during the whole case for the Crown, they had the use of it for the three days the Attorney-General was speaking, and gentlemen you saw what has occurred. You saw, gentlemen, why the defendants produced here a witness on that table eighty-three years of age. You heard Mr. Macdonogh say that they were there to expose the system of clearances, and in order to raise the worst case against himself, he brought forward the earliest. The witness was eighty-three years of age, he came out of a workhouse

to swear he was in 1847 a tenant of Lord Lucan. I don't know, gentlemen, if any of you have ever been in Castlebar. About Castlebar, now, gentlemen, there are beautiful fields, lovely to look at, but on looking at them you cannot look on them as they once were studded with villages. Gentlemen, when the Crown saw that witness on the table, they refused to allow him to be examined, they gave up their nineteenth count, they refused to let you hear what the defendants say of the reasons that made them follow this agitation. There was, gentlemen, one bit of evidence. I am not going to read what Mr. Curran did so well. There was one piece of evidence—I don't exactly remember where he read it—I refer to the evidence of Father O'Malley—"I have seen around Castlebar whole villages cleared away, people murdered by the landlord, and the tyrant that did that still lives, the strongest refutation of the calumny that the Irish people are a nation of assassins. I have been sent back as a priest to Connemara, and there I saw a whole mountain side cleared away by another tyrant who still lives; and one thing, which I hope the gentlemen of the Press will take down, on one occasion in 1850, 1,400 ejectments were entered, and the ruffianly attorney and the agent divided the proceeds between them. Seeing all this I began to despair that anything ever would happen to raise her until I saw this meeting." Gentlemen, Lord Lucan's property is around Castlebar, and that witness was not"——

The *Attorney-General.*—You cannot hear of the system of clearances alleged, the witness was not on the table.

Mr. *Nolan.*—He was on the table.

Mr. Justice FITZGERALD.—The old man?

Mr. *Nolan.*—Yes, that old man, that was Lord Lucan's tenant. He was brought here for the purpose of proving that system, in which a jury in a great State trial are asked to give a verdict. Are they to give a verdict living here in Dublin, where they see no misery and the tenants have no chance of stating their case. An attempt had been made to put one tenant farmer on the Land Commission, but it was refused. There was one gentleman, named Mr. Lalor, and he was not put on. His father was a tenant farmer and Member of Parliament, and he himself is also a tenant farmer and in the House of Commons. Gentlemen, is not it a strange thing to say to you now that you are to give a verdict. They say our intention was to impoverish the landlords; that Mr. Parnell impoverished the landlords. Mr. Parnell is the highest of the highest; he is perfectly independent; he bears in this country an historic name. No, gentlemen, his intentions were to benefit the country; his intentions were just, and, gentlemen, it is a perfect mistake—don't fall into it—it is an error to suppose that, because the reform will injure a class, that, therefore, you cannot carry it out. The simplest illustration — Mr. Macdonogh gave you several — the simplest that occurs to me is the case of the tramways in Dublin. We see that they unquestionably are very good and very convenient, but I am perfectly certain they must have injured the trade of a great many carmen. The men who formed that company did not enter into a conspiracy; the men who formed that company entered into an agreement which would lead to the injury of a great many cardrivers. It was perfectly legitimate and perfectly fair, but I believe that the real way to study this question is, to look back at some of those old Irish Acts of Parliament, if one had the leisure, but it would be a long task—no greater indictment of Irish landlordism could be found than to go through these Acts of Parliament. But I refer to an Act of Parliament

to show that the intention to injure is not necessarily criminal. I refer to an Act of Parliament which had a common purpose to injure the Irish landlord and tenant. I go to the year 1665 and then, gentlemen, there was a great trade of sheep, cattle, and agricultural produce to England. The English Parliament passed an Act in 1665, and in 1680 one of stronger power, prohibiting the importation from Ireland into England of cattle, sheep, beef, swine, pork, bacon, mutton, and even of butter and cheese. Were the English conspirators when they passed that Act of Parliament? In those days it was not thought right that Ireland should have an equal position with England. That is what the English did, they injured the landlord and tenant, but nobody said they were guilty of conspiracy. Gentlemen, there was another Act passed in 1683. Irish vessels could go to the colonies and trade with Europe; they passed the Navigation Act which prevented Irish vessels from doing that. They were ruining our country for the benefit of England, but nobody pretended that the English were guilty of conspiracy. Dean Swift said, "The convenience of ports and harbours which Nature bestowed on this kingdom is of no more use to us than a beautiful landscape to a man shut up in a dungeon." That was his opinion of the Navigation Act, and that shows you that this question of intention, which is the gravamen in this case, must not rule it. They won't let us show the real intention, because they won't let us explain to you the real system, and they ask you to infer from it. But there is, gentlemen, another case which you all know, and which you all heard of usually cited to show the kindly intention towards trade in this country. In 1636 there was the woollen trade, it was growing, and the Earl of Strafford said, "It might interfere; these Irish might put us out of the trade itself, and that they were underselling us,"—which they were able to do. What did England—the House of Lords in England—that great friend of Ireland petitioned the king to restrain the trade. The House of Commons did the same. They petitioned the king to enjoin all those they employed in Ireland to make it their care to use their utmost diligence to prevent the exportation of wool from Ireland. What did the king do? The Irish would not pass a satisfactory Act, and so the English passed an Act in 1698 prohibiting the importation of wool from Ireland. What was the effect? I am not going to give you the effect, but I will refer to it in the words of another, showing "that the fairest promise Ireland had ever known of becoming a happy and prosperous country was ended," and the same writer said, "The relations between landlord and tenant were already sufficiently hard and strained, but they were fearful when the destruction of the manufacturing industry threw the whole population for existence on the soil." Gentlemen, whose words are those? If I gave them to you as my own, they would be simply those of a barrister speaking to you in a case, but, gentlemen, you would not pay the attention to them you will when I give you the name—they are the words of an Irish landlord, the words of one who, as far as I am aware, was of the highest standing; really I know little about him. With the exception of Mr. Carlyle, he is the greatest of living writers, he is Mr. Leckie; he was educated in our university, in the university of this city; he is a man of large fortune, he is gone to England, and that was the way he spoke of the Acts of Parliament—I cite them for two purposes. I cite these instances to you, not to show the way the English have governed this country, gentlemen: better days are now coming. I believe a great change is going on, but I cite them to show that the English law of the olden time has brought us to this—that the only question in Ireland is the question of the land. It is so—they

must deal with it. There are a great many people in England ready to deal with it—the advanced Liberals are ready to deal with it—there are, gentlemen, others who don't appear willing to do so. Mr. Gladstone, at a meeting in Midlothian, spoke of certain gentlemen whom he called the "Arm-chair Liberals." I don't know exactly who he indicated as the "Arm-chair Liberals"—I have a strong suspicion, but, no doubt, he is himself aware. Therefore, don't you think this landlordism, forced by England on the country, is the only question? Trade is trying to prosper and trying to increase, the country is only starting in the race, because all other nations have been allowed to go forward, whilst you have been hampered by those laws. I have shown you now what is the only question in Ireland, the only and real question now. Now, gentlemen, what is landlordism? The Attorney-General, in his speech—it would seem that he read out these words to make you believe that when a man puts on a card "down with landlordism," or words to that effect—the object was landlords should be assassinated and murdered. Gentlemen, it is a matter of notoriety that there never have been fewer murders in any year than the present. The Marquis of Hartington stated the other night in the House of Commons that there were only eight this year as compared with nine last. Anyone who has heard this speech (though it's unpleasant for landlords not to get their rents paid) must have come to this conclusion, that *bona fide* and honourable members of the Land League in Dublin have sought to prevent outrage. Mr. Parnell has sought to do so. Mr. Sexton has said, it was a crime against God, and he denounced it, and these gentlemen are actually abused because they sometimes reason with the tenants—that is against their own interests. They know full well that there is many a man would join in a fair and honourable agitation that would not join in another species of agitation; they know that they banished from their camp honourable men, and the thanks they get is a prosecution; because they reason with the tenant who, in the olden time, was not allowed to return a member of Parliament. Everyone is entitled to his opinions, and I am entitled to mine. I know where this fearful and terrible power was exercised before the Ballot—before 1874. Well, gentlemen, I come to this landlordism. What is it in Ireland? Of 20,047,572 acres, the proprietors are stated to be 10,000. It is very hard to know the exact number, because in the return every man is returned as a landlord who has a villa residence, and many men are counted twice. I ask you to bear that in mind. There are 292 persons owning 6,458,000 acres; 292 persons holding nearly about a third of the soil—in other words 292 persons! Why you could get them all sitting room in this Court. Seven hundred and twelve proprietors own 9,830,332 acres; bear that in mind, gentlemen, I ask; 20,000,000 is the acreage in round numbers. Therefore, practically in round numbers, 712 persons own half Ireland. Why you could put those 712 persons, with a little crowding and one or two extra galleries, into this courthouse. Is that a satisfactory system? Decide the question. There is the question of the prosperity of Ireland, and I ask you is it a satisfactory thing that 712 persons should own half the soil? The value of the soil is £4,140,414, so you see, gentlemen, they own nearly half the value. Well, gentlemen, we all know there are absentees, 2,973,000 permanent absentees, and they own property to the extent of——

Mr. Justice FITZGERALD.—Mr. Nolan, kindly repeat those figures. I don't think they are correct. You said two millions.

Mr. *Nolan.*—Thank your lordship for the correction, they are not correct if it were two millions. We should have a very large number

of peasant proprietors, and we should have no agitation, but we have 2,973 permanent absentees, that is about one-third of the whole permanent absentees, and the only number that reside on their property is 5,900, and many of these are merely people who own only an acre or two or five acres, so that the number that reside at home is very much exaggerated. I ask you, gentlemen, is that a satisfactory state of the country? I ask you, gentlemen, does any one consider it satisfactory? It has been denounced according to the lights of these people, and I don't see why, if you make laws for landlords, they are to be so much abused for carrying out those laws. Change the laws if they are bad, and that is what Mr. Parnell advocates. He does not advocate because they carry out English law, and make a charge against these persons—he denounces that. But he does advocate a change in these laws. But it may be said you must take things as they are—Ireland cannot be in the history of nations a nation different from the others. You cannot have one system for Ireland and another for France, Belgium, and other countries. But, gentlemen, the number of proprietors I will give you in round numbers. The number in Belgium is over one million, and Belgium is smaller than Ireland. There are in France five million proprietors, and there are in Prussia 2,199,000 proprietors. Therefore, gentlemen, you have these peasant proprietors existing in these foreign countries; but that may be the system of these foreign countries, but here you have a different system. No, gentlemen, at the beginning of this century (I am wrong) at the end of the last century—in 1789—there were no peasant proprietors in France, Belgium, or Prussia—there were noue worth speaking of—they were created in these countries, and I will say a word as to how they were created in France presently. Some of the defendants have fallen into an error in saying the landlords were hanged. The peasant proprietors were created within a century, and within a century—within a century—these countries have grown prosperous. Well, the answer as to England—and it is a very fair answer—"We have not that system in England, we get on very well with our tenants in England, and we find things go well. Why cannot you be reasonable people and do as we do in England?" The answer again is this—"So far, in England they have trade, that trade was made and increased at the expense of us Irish, and having crushed out our trade, you drive us from the land and our home—you prosper, we don't prosper." Gentlemen, I have now told part of what landlordism is, but, gentlemen, I have not told you of another portion of landlordism which is also objected to by a large number of people, that is—that the whole Government of this country, the whole power in this country outside the cities, is in the possession and power of the landlords. In the first place you have the Grand Juries—the Grand Juries are an exclusive body of landlords; then the Poor Law Guardians—half of these are landlords the other half, the elected guardians, are the nominees of the landlords, they are not yet elected under the Ballot. Then, gentlemen, you have the magistracy. The magistrates are necessarily landlords, and some people think landlords necessarily residing in the county; and allow me to state to you that in the wisdom of this great country—I don't agree with the wisdom of it—that they will not appoint in a county a person who is in trade. I ask you do you think that that is a satisfactory system? Then there is the whole of the patronage of this country. All the appointments are made by those different bodies I have enumerated, and, gentlemen, do you think this a satisfactory system? No doubt it is recognised by some. I believe there is a Bill promised to modify the power of the

Grand Juries at present, but, gentlemen, the reason you have these Bills is because of this agitation, because the Irish members insist that their country should be considered. Attention is drawn to the real wants of Ireland, the real causes of Irish injustice they are determined to get them remedied. There is another difference between English and Irish tenants, which I must refer to very shortly. In England the tenant has been there for a very considerable time; the landlord has been there too; both have been working together; they fought in the same fields; they have had this common tie of country and friendly relationship binding them together; in Ireland unfortunately this is not the history of Ireland; I don't pretend to know much, gentlemen, about the history of Ireland. I dislike to read the history of my own country; it is going over and reading misery and misery again and again. I must say this, gentlemen, it is only lately it has been brought prominently before the public. We owe much to one distinguished Irish writer who has brought its modern history before us, to whom, gentlemen, I leave the task to describe the question of landlord and tenant and its wrongs. He has an eloquence of course that I could never pretend to. You have the great treat in store for you of hearing Mr. Sullivan, well known to you as a public man; he will speak to you in this case, and speaking to you as the last man on behalf, gentlemen, of his clients, or as one of the counsel said, his real clients the tenant-farmers of Ireland, he has worked for them, he has striven for them, he has aided in bringing this question to the prominent position in which it is, and you will hear him with great pleasure. Gentlemen, the Attorney-General has told you some land has never been confiscated, and that Lord O'Neill's land was not. I know nothing about it, he lives in Ulster, and I don't understand whether it was confiscated or not.

Mr. *Macdonogh.*—Shane O'Neill; it was confiscated long ago.

Mr. *Nolan.*—I am only referring to the statement of the Attorney-General, he said it was not. I believe it was. I believe parts of Ireland have been confiscated two or three times; Elizabeth confiscated part of it. Cromwell confiscated the three provinces of Leinster, Ulster, and Munster. And then, gentlemen, when he came to deal with the province I have the honour of coming from, what did he do with that? It was too good to leave them that, and he said that the people—some people whose lands were confiscated—it was not pretended that they had been fighting even against Cromwell (I don't see it was very wrong to fight with Charles I. against such a person as Cromwell—it was not pretended), and he said they should be provided with lands elsewhere. Accordingly they were provided with lands in Connaught, and I think the way they were provided was by leaving the old proprietor in possession of one-third and giving the other two-thirds to the transplanted. There is a very interesting book on the subject by Mr. Prendergast, and it is an extraordinary thing—he was the first who brought the matter prominently before the public, and he had great difficulty in doing it. He found all the details, in place of being in Ireland, were in the Oxford library. As regards the people who were transplanted, they did not get very much land in the Province of Connaught. When thrown out of Leinster, Ulster, and Munster—Cromwell's soldiers being in those parts—they found some difficulty in ousting some of my Connaught friends who were to get the one-third; and it is a wonderful thing, gentlemen, but there is a very curious history connected with the family of a well-known gentleman in Ireland called Lord Trimleston. His ancestor got the estate of a most respectable family in Galway—Mr.

French of Monivea. They took away Lord Trimleston's estate and sent him to Monivea. The Frenchs afterwards succeeded in buying him out; but actually, as a matter of fact, you have the tenants driven out who had any lands, and you had the landlords driven out, and who replaced them but the common soldiers of Cromwell? They drew lots, and they were calmly and quietly put down to rule over those tenants. That was a pleasant state of things. But there is the origin, gentlemen, of Irish landlordism in a great part of Ireland. Do you think, gentlemen, that that was a state of affairs calculated to produce harmony? Do you believe, gentlemen, that harmony did prevail? Don't you know, gentlemen, that from that day down to this that the history of Ireland has been the history of the land, has been a history of constant fights and constant feuds between landlord and tenant? Well, gentlemen, not satisfied with doing this, there were tenants there —of course, the Cromwellians should have tenants—they transplanted a great many of them, but they made other new tenants; and how did they, gentlemen, deal with their tenants? You might expect, gentlemen, that they would deal with them kindly, and while they would try to banish old memories they would try to promote a kindly feeling. The first thing they did, gentlemen, was to commence what are known as the penal laws. You cannot banish these circumstances. They have left their sore behind. What was the object of the penal laws? Gentlemen, I must say that I do not believe that the object of the penal laws was because the English statesmen believed that their own religion was so pure, and also that they were bound to drive out and crush the Catholic religion. The object was to put out the Catholics out of the land, or to degrade their religion. That was their object, and with that object they passed a law; that law was to degrade the Catholic tenants in their own eyes by seeking, gentlemen, to degrade their religion in their éyes——

Mr. Justice FITZGERALD.—We do not see what this has to do with the issue before the Court. We think that the observations you are making on the matter do not pertain to any of the issues. In fact they are entirely beside all the issues.

Mr. *Nolan*.—Gentlemen, I pass away then from the subject of the penal laws. I pass away from that subject. I have not dwelt on it for very long. I think I had only been speaking on it for three minutes.

Mr. Justice FITZGERALD.—We do not at all seem to limit your legitimate object.

Mr. *Nolan*.—I have only put it very briefly before you, gentlemen. I am not going over the penal laws—I had no intention of doing so, but I do say it is one of the relics. We had not civil and religious liberty, gentlemen, in the same way that we have it now, when they crushed our trade; we hadn't it in the same way, and the sore remains, although you may try to heal it; and the effect of these laws I was only going to say was this—that they did not kindle those kindly feelings which one should wish or expect. Gentlemen, I am one myself of those who personally wish, I think I may say, to abolish all religious distinctions, and although some who hear me, or hear what I have to say, may not agree with the words I shall utter, anyone who knows me, knows that I have never, I believe in my life, said a single unkind word to any Protestant or to any Catholic for his religion, and I have many friends amongst that body. I am one who is for the abolition of all such misery as is caused by these religious distinctions; but you cannot help

it, that they have brought on and are a portion of the reason for which you have this landlord question. We have been told that the landlord question is quite new, and that all was peace and harmony until Mr. Parnell appeared on the scene. I will only cite to you one extract to show you what was the state of things in the 18th century, and I will then pass away. I will quote from the writings of an English gentleman—from Mr. Lecky. I have told you who Mr. Lecky then was :—"What the relations of landlord and tenant were in the first half of the eighteenth century may be easily inferred from the description which Arthur Young gives of its state in 1776, when the memory of the confiscatious had in a great degree faded, and when religious animosity was almost extinct. He tells us—'That the age has improved so much in humanity that even the poor Irish have experienced its influence, and are every day treated better and better.' Yet even at this time he assures us—'The landlord of an Irish estate inhabited by Roman Catholics is a sort of despot, who yields obedience in whatever concerns the poor to no law but that of his will.' . . . . A long series of oppressions, aided by many very ill-judged laws, have brought landlords into a habit of exerting a very lofty superiority, and their vassals into that of an almost unlimited submission. Speaking a language that is despised, professing a religion that is abhorred, and being disarmed, the poor find themselves in many cases slaves, even in the bosom of written liberty . . . . a landlord in Ireland can scarcly invent an order which a servant, labourer, or cottier dare to refuse to execute. Nothing satisfies him but an unlimited submission. Disrespect or anything tending towards sauciness, he may punish with his cane or his horsewhip with the most perfect security. A poor man would have his bones broken if he offered to lift his hand in his own defence. Knocking down is spoken of in the country in a way which makes an Englishman stare. It must strike the most careless traveller to see whole strings of cars whipped into a ditch by a gentleman's footman to make way for his carriage. If they are overturned or broken in pieces, it is taken in patience. Were they to complain they would perhaps be horsewhipped. The execution of the laws lies very much in the hands of the justices of the peace, many of whom are drawn from the most illiterate class in the community."

Mr. Justice FITZGERALD.—Do you think that statement of Arthur Young, in the last century—a century ago—has anything to do with the trial of the issues here at present?

Mr. *Nolan.*—I do, my lord.

Mr. Justice FITZGERALD.—Because we fail to see it.

Mr. *Nolan.*—I said I would read one extract of the history of landlordism in the eighteenth century, and would then pass away. I have all but finished that extract, and I pass away. The Attorney-General opened this case against my clients, if they opened any case, if there was any case to open, by stating that there was peace and harmony until Mr. Parnell appeared, and preached what he described as the new gospel. The old gospel was all peace and harmony. He then, my lord, and gentlemen of the jury, spoke so as to lead any man who was not acquainted with the landlord and tenant debates in the House of Commons during the last few years to believe that the Liberal party had been and were pledged to a measure like fixity of tenure. They have spoken in that way. I don't think I have done anything—and I have not spoken for so very long—in asking to be allowed to read one extract. And, my lord, if anyone thinks that I am going to say that that is the condition of things now, that that is the condition of things now

between landlord and tenant, they are wrong. I know that education has spread——

Mr. Justice FITZGERALD.—I really interpose very unwillingly with the discretion of counsel. You have observed upon the statement of the Attorney-General. I have not a note of that statement before me, but the evidence on the part of the prosecution was entirely confined to the issues to be tried. What we invite you to do is to confine your observations to the evidence in the case, as it applies to those issues, and we must rule in the future that in the course of your address that you are not at liberty to read those extracts.

Mr. *Nolan*.—I stated to your lordship that I intended to read one extract from the eighteenth century, and I read one extract. If I read it from one who was supposed to hold any violent opinions or anything of that class, it would be utterly out of place. That I wish your lordship and the jury to understand; but your lordship must know that I have read an extract from the writings of a gentleman of the highest culture—that I read an extract from the writings of a gentleman of the highest social position in London, whose books are everywhere quoted and read, and I did not think I trespassed very much.

Mr. Justice FITZGERALD.— What we are calling your attention to is not the character of the extract or the literary properties of the writer, or his public character, but its entire inapplicability to the issues to be tried, and we must again direct you to confine your observations to the evidence in the case as that evidence bears upon the issues.

Mr. *Nolan*.—My lord, I was of course going to comply with what your lordship stated, but I only made the observations in answer to your lordship, because I was sorry that your lordship should be under the impression that I was in any way reading an extract which your lordship did not approve of.

Mr. Justice FITZGERALD.—I do not at all disapprove of it, but what I say is that it has nothing at all to do with the issues. It does not bear on them at all.

Mr. *Nolan*.—I thought it was due to myself to state the reason why I referred to it. I was not quarrelling with your lordship's decision as far as that it did not refer to this case. And now, my lords, and gentlemen of the jury, having passed away from that, I will come to landlordism as it has existed in the 19th century, and as regards the commencement of that period there has been a large number of extracts read from different books by my learned leader Mr. Macdonogh. He has referred his lordship and the jury to the fact, by reading extract after extract down to the year 1846, that landlordism was not that gospel which has been referred to by the Attorney-General. I did not intend to refer any more to that portion of time, except that I think it is perfectly clear that up to that time there was not the happy relations between landlord and tenant in the opinion of English gentlemen. I now, my lord, pass on, and I do say this, that no doubt that——

Mr. *Macdonogh*.—Perhaps this would be a convenient time to adjourn, if your lordships please?

Mr. Justice FITZGERALD.—We will go on a little longer; but if you wish it, Mr. Macdonogh, we will.

Mr. *Macdonogh*.—Oh, no; as your lordships please. But perhaps this would be a suitable time to adjourn?

Mr. Justice FITZGERALD.—Very well, then; perhaps it would be a convenient time to take our twenty minutes.

The Court then adjourned. On resuming,

Mr. *Nolan* said—My lords, and gentlemen of the jury, I informed you

before we retired of the unfortunate circumstances which did make, and have made, this question of the land the real Irish question; and, gentlemen, having shortly told you when that arose, I told you that my learned leader and friend, Mr. Macdonogh, had referred—by reading extracts to you from the opinions of Englishmen—to that system down to the year 1847. The year 1847 came, and I will say, in a moment a word on that famine; and from 1847 to the year 1870 in this country, unfortunately, we had a land question, and we had outrages, which are to be deplored. Well, gentlemen, we all know that they have been the reproach of our country. Gentlemen, it was alleged that there was, and there is the evidence in some cases of the system of clearances, and from 1847 to 1870, and later, we were willing to have given evidence of how that system was carried on. And, gentlemen, I refer to the fact that the Crown have elected to deprive you, to deprive the country, of hearing the history of the land question from that period. In 1870 an Act was passed, and, gentlemen, you know, you have heard of that Act. You know, gentlemen, that Act was passed to stay eviction, and I myself bore my humble testimony to the work; but, gentlemen, I gave you what I remember of a subject like this, because, of course, I had nothing to say to the passing of that measure, one way or another. What I believe from what I have read of the debates that took place, that the Liberal Government of that day, even though they were anxious to carry a stronger measure could hardly have carried it, when I remember that that Act was seriously injured in the Lords, and if I am not mistaken, in that very measure, the very section which was equivalent to the Disturbance Bill—that section was struck out by the Lords or by the Commons during the progress of that Act. When one remembers this, gentlemen, they are reminded of the nature of the Act that was passed. Well, did the Act stay evictions? But evictions were not the only serious question. There is a much more serious question—the question of high rents—exorbitant rents. But evictions were not stayed, because, gentlemen, it is known that there is a return of the number of notices to quit, of the number of ejectments—of notices to quit—for the three years' until the Act was passed. That return was obtained, gentlemen, by an eminent Irish Member of Parliament—Mr. M'Carthy Downing, who is gone; it was obtained by him, and that is one of the instances of how this Act has failed. But, gentlemen, we are not trying that question—because that the Act has failed is admitted by every person, and the fact of there being at present a promise of some measure of land reform shows how it has failed. Shows, gentlemen, that it is acknowledged to have failed, and the most grievous accusation against that Act was this—that, gentlemen, it did not prevent the risk of rack-renting. Now, gentlemen, what was that Act? Supposing a tenant is in Ulster, and he existed in Ulster, where the Ulster custom prevailed, if he was put out by his landlord, he received an enormous amount of compensation under that Act—under the Ulster custom. I think, gentlemen, I am not exaggerating, and that I am putting it very low when I say certainly between fifteen and twenty years of the annual rental. Much more extravagant sums have been given—as much as thirty years—in one case forty years. But, gentlemen, in the North, in the South, in the West, and in Leinster, if a man was put out under a notice to quit, as far as I can make out, he very seldom, taking it on an average, got more than four or five years, including all his improvements. I am not saying that there were not possibilities of the Govern-

ment giving them more. I am giving a general statement of what was done. Gentlemen, take the man in the South or in the West who existed on the estate of a landlord, where the rent would not be raised, the value still of that yearly tenancy would be enormous in many respects; and then, gentlemen, it would often bring—if the tenants were allowed to sell amongst themselves, as they were by many landlords, it would bring thirteen, fourteen, or fifteen years', and thus, gentlemen, you see that the fine imposed by the Land Act was not sufficient to deter the landlord from interfering with the tenant. And then you have had under that Act the rents raised over and over again, you have had notice to quit served, and the tenant was in this position—that if he had a wife and children, if he was an oldish man who could not embark in a new pursuit, or could not go to America—rather than give up that claim, rather than go before the Chairman and waste the third of the money he might gain in costs—for the expenses of these land claims are very large—he, gentlemen, would submit to the terms of a large increase of rent, and the result was that—and cases have been read before you in which the land was raised over and over again many per cent. over Griffith's valuation—fifty and a hundred per cent. more than Griffith's valuation. I wish to say a word about that before I pass away. In Griffith's valuation the improvements of the tenant are valued—mind that. What right has the landlord to a rent on the improvements of the tenant? Mind that the valuation was struck on the tenant's improvements as well as the land. They say things have changed. But see that—that was made by Government officials, who thought that it was fair to put a value on the tenant's improvements as well as on the tenant's land. Well there being these complaints in the case of the tenants, they said that this Act is utterly and wholly inefficient. Well then in 1874 you had a new election. As I told you, gentlemen, in 1874 you had what I call a *quasi*—a great change in Ireland—you had representatives who were put in places—whether they were landlords, or whether they were not, they were returned, and they knew by whom they were returned—they were returned by the tenants and not by the landlords, and that they were returned as the representatives of the tenants, and that they were bound as honest men to represent their interests. Well, what happened from 1874 down to the present time? Bill after Bill has been introduced into Parliament by these Irish members. The Irish members have divided in their different majorities of 58 or 60, and the Liberals—the English Liberals—for whom I have considerable respect, but not for their conduct as regards the Land Act—during those three or four years allowed those men to go into the lobby by themselves—but a few, such as Mr. Cowan and Sir Charles Dilke, to their honour be it said, gave them their countenance. But, gentlemen, before I pass to another subject I wish to refer to one statement that was made at some meeting. You may remember, gentlemen, it illustrated the effect of the land laws. We all know that at the time of the famine—the population of Ireland was estimated to be nearly nine millions—the population in 1840 or 1841 was eight millions odd, and according to the calculation of those who are qualified to make such calculations, according to the proportionate annual increase it was nearly nine millions. It is now five millions. There is a new census, and it is supposed to be now about five millions. Well that is a startling fact, that in this island of ours the population is decreasing, while it is increasing in other countries. One of the speakers read this statement at a meeting which shows that these gentlemen—some of whom were

spoken of in a not very complimentary way by the Attorney-General—are people who had read works, read books, gentlemen, written with great care—books written by men of great learning and great words, for I know no literary man I personally place higher in the niche of fame than John Stuart Mill. Gentlemen, this extract was read—"When the inhabitants of a country quit the country *en masse*, because its Government will not make it a fit place for them to live in, the Government is judged and condemned." That extract was read from the writings of Mr. John Stuart Mill. Might that apply to any country in the world? Where has such a state of affairs existed as has existed, gentlemen, in Ireland. I am not aware of that country. However, those words were written by Mr. John Stuart Mill, whose writings have been the writings from which the Liberal party have derived their policy both of finance and of land tenure—the man who has produced more Liberal reform than any one man I can name—who has done more than Mr. Bright, although his name is not so well known—because he was not an orator. He was returned, as to Parliament, as one of the Liberal members for Westminster, and when he was not returned by that constituency in 1868, the electors of Tipperary—although they knew he was opposed to them on the question of denominational education—knowing what this man as a remarkable writer had done for their country—to their immortal honour, were willing to leave that question aside, and asked him to represent them. He, however, declined. I wish now to explain to you the exact meaning of that passage, and I will read to you what Mr. Mill says as a writer of contemporary history, and which his lordship, I think, will consider that I am entitled to read. He speaks, gentlemen, of Ireland before the famine years, and, gentlemen, having spoken of it before the famine years, he then refers to the famine, and says that the disasters which he had expected did not occur by the extraordinary fact of the famine—by this powerful visitation of Providence having fallen on the land. And then he says that an enormous self-supporting system of emigration had succeeded, and it, to a certain extent, had decreased the population which existed on the land at the time. And having referred to that decrease of population, he says,—"The census of 1851, compared with that of 1841, showed in round numbers a diminution of population of a million and a half. The subsequent census (of 1861) shows a further diminution of about half a million. The Irish having thus found the way to that flourishing continent which for generations will be capable of supporting in undiminished comfort the increase of the population of the whole world; the peasantry of Ireland having learnt to fix their eyes on a terrestrial Paradise beyond the ocean as a sure refuge both from the oppression of the Saxon and from the tyranny of nature; there can be little doubt that, however much the employment for agricultural labour may hereafter be diminished by the general introduction throughout Ireland of English farming, or even if like the county of Sutherland all Ireland should be turned into a grazing farm, the superseded people would migrate to America with the same rapidity, and as free of cost to the nation, as the million of Irish who went thither during the three years previous to 1851. Those who think that the land of a country exists for the sake of a few thousand landowners, and that as long as rents are paid, society and Government have fulfilled their function, may see in this consummation a happy end to Irish difficulties. But this is not a time, nor is the human mind now in a condition, in which such insolent pretensions can be maintained. The land of Ireland, the land of every country, belongs to the people of that country.

The individuals called landowners have no right, in morality and justice, to anything but the rent or compensation for its saleable value. With regard to the land itself, the paramount consideration is, by what mode of appropriation and of cultivation can it be made most useful to the collective body of its inhabitants. To the owners of the rent it may be very convenient that the bulk of the inhabitants, despairing of justice in the country where they and their ancestors have lived and suffered, should seek on another continent that property in land which is denied to them at home. But the Legislature of the empire ought to regard with other eyes the forced expatriation of millions of people. When the inhabitahts of a country quit the country *en masse* because its Government will not make it a fit place for them to live in, the Government is judged and condemned. There is no necessity for depriving the landlords of one farthing of the pecuniary value of their legal rights; but justice requires that the actual cultivators should be enabled to become in Ireland what they will become in America—proprietors of the soil which they cultivate." That is the opinion of John Stuart Mill, and the Attorney-General knows as well as I know, that his chief, Mr. Gladstone, and every leader of the party are more indebted to the writings of this distinguished man than any other man that can be named. He is most distinguished, as I have said, among men of his time, he has produced a marvellous effect in England by his writings, and I ask you can any speech that has been delivered, that some of the members of the Land League made—some of them have delivered more abusive language, and I am against abusive language always of all kinds—but is there anything stronger than is there said in the extract I have read for you? I say there is not. I say there is nothing stronger. Is there anything, gentlemen, that has been advocated here by these Members of Parliament that is not advocated by Mr. John Stuart Mill, whose works I read many a year ago, and I have never forgotten them—when I say never forgotten them—I mean that I have read them over and over again. Oh, gentlemen, I remember when this work first came to be read. At first you hardly heard of any individual who had read the works of John Stuart Mill. I remember well that then his works were unknown. They were known to Members of Parliament, and were quoted in Parliament, but they were unknown by the public. The price, two guineas, at which they were first published, was in itself enough to prevent them from being read by the general public. I have read one extract, and Mr. John Stuart Mill went from country to country, advocating peasant proprietary. And it is peasant proprietary that these gentlemen advocate, as anyone who reads their speeches can see. Read Mr. John Stuart Mill himself, and you must see that they imbibed their ideas from that illustrious man. There was one famine in 1847; another came in '79; and it was felt that it was approaching. Well, gentlemen, it was approaching, and it was felt. I do not know if you remember as to this famine of 1879 and 1880. I know that I remember when the first news of it was spread about; because, gentlemen, I heard about it. We heard a great deal about it before it came, and don't imagine, gentlemen, that it was confined to the loss of the potatoes. Not to the loss of the potatoes, although that amounted to ten millions—ten millions in three years. Any one who knows anything about the state of the country in that time knows that about the month of November, 1879, the price of beef and mutton had gone down immensely. I do not mean to say that it went down here in Dublin, because I remember it did not go down, though the

graziers were getting hardly anything at Ballinasloe and other places for their stock. There was a fearful famine, and the attention of the House of Commons was called to it, but they did nothing. Then, gentlemen, there was a recess, and famine was spoken of as impending. Was anything done? No gentlemen, nothing was done. A declaration was signed by some sixty or seventy members of Parliament—not of the party Mr. Parnell belongs to. It was forwarded to the Government, but it remained unanswered. A deputation then waited on Mr. Lowther and told him that the potato crop had failed, that there was something radically wrong with the potato seed in Ireland, and that something ought to be done by the Government. The answer of Mr. Lowther, and I may say that it is to his credit that he always speaks out his sentiments — his answer was that grass seed was more wanted by the country than potato seed. We know, gentlemen, what that meant. The tenants of the country know the difference between grass seed and potato seed. It means the difference between tillage and grazing—it means the consolidation of holdings. What followed? No stir from the Government—nothing done. Mr. Parnell was the representative of a distinguished constituency. He has won their confidence in Parliament, whether he has won your confidence or not. He, gentlemen, had initiated a new policy in Parliament, and the result of that policy was that the Government, which for three or four years had done nothing, when they saw this new policy initiated, granted a measure of Intermediate Education and of University Reform, about which I shall say nothing. Gentlemen, the Land League was formed, and then their charter was framed, nothing having been done, and no charity being expected from anyone. And, gentlemen, there is our charter on which we will be judged, and judged before you; and that is the resolution by which the Irish National Land League was formed at a meeting in Lower Sackville-street. I refer to the date, the 21st October. It was resolved—"That the President of this League, Mr. Parnell, be requested to proceed to America for the purpose of obtaining assistance from our exiled countrymen and other sympathisers for the object for which this appeal is issued." Yes, gentlemen, it was known that Mr. Parnell was going to America. Mr. Parnell was a mere Irishmen. If he had hung himself on to an English party how gladly they would have received him. They knew his position, and they know his power and his eloquence. When Mr. Parnell speaks the House of Commons fills. I think he has won for himself a position there. He was going to America; yes, he was going round—and he was not ashamed to do it—he was going round as a beggar for his country; and he was to be accompanied by one who was then, so far as the general public was concerned, was unknown in politics, but one who is respected because he bears an honoured name—for his father's name has been known to the Irish public for a long time—and who has since been returned to Parliament, and has won the confidence of the country. And, mark the date. On the 25th of October, when that resolution was published in the papers, it was known that he was going, but it was not until the end of September that any appeal for his distressed countrymen was made in this country, when the Duchess of Marlborough wrote her memorable letter. All honour to that lady for what she did for the country, and all honour to those who assisted her in her work. She worked well and faithfully, and no one can blame her when once she started to get the most of any contributions that were coming in. But, gentlemen, giving honour to that lady, giving honour to her as a matter of justice, what about the Government that up to that date had done

nothing? Mr. Parnell, gentlemen, was going to America. Everyone knew in November there was going to be a famine. I mean everyone who had facilities for acquiring information on the subject. Why, we had a famine before in '47 and '48. Mr. Parnell was too young to have seen that famine. He had heard of it. I do not know if it was as bad in Wicklow as in other parts of Ireland. I am not able to state. You heard the description of Mr. M'Laughlin of that famine; that there was a book written on it, written by the Rev. Mr. O'Rorke, and that he shut it up and could not read it further. I do not know if you have ever read that book, but I say I believe anything that Mr. M'Laughlin says, and I believe fully the statement of Mr. M'Laughlin, for since the commencement of this trial I got that book, and a more revolting picture I never read of. Hundreds died; thousands died in the workhouses during the time of the famine. Misery existed throughout all the land. There were Government measures passed to relieve them, but they were small—they were inadequate. They were not adopted until the famine had obtained its greatest violence; they were wholly inadequate. The great measure they pride themselves on is that they introduced the Incumbered Estates Bill, which gave us the pleasure of having the Landed Estates Court and the Incumbered Estates Court owners. I do not wish to use hard names, but I'll tell you how Mr. Lowther described them in the House of Commons in 1878. He said they were called "land-jobbers." He was then the Chief Secretary for Ireland. I do not use that expression. I know that honourable men have bought land in the Landed Estates Court, but I do say that many of them who have bought have looked upon it as a mere commercial transaction, and immediately afterwards set about raising the rents on the unfortunate tenants. With their lordships' permission, I shall call your attention to a short statement with reference to that fearful famine of 1846 and '47. I think the Attorney-General can hardly object to the statement which I am about to read. It was a report published by the Society of Friends, and it was written by Mr. Forster, who, gentlemen, is the father of the Chief Secretary for Ireland, and there is nothing in this extract which I have named which does not do the highest credit to that honourable gentlemen, and his son is now a member of the present Government. Gentlemen, the extract is this, "We entered a cabin—stretched in one dark corner, scarcely visible from the smoke and rags that covered them were three children, huddled together, lying there because they were too weak to rise, pale and ghastly; their little limbs, on removing a portion of the covering, perfectly emaciated."

Mr. Justice FITZGERALD.—I think, Mr. Nolan, I must interpose again. You are now about to read details, to enter into matters of the details of the famine itself, or details that we excluded from evidence as unapplicable to the issues. There is no doubt there was a great famine extending over four years, which swept away a large portion of the population of the country. I, unfortunately saw a great deal of it myself, and in addition there was a great exodus from the country. The people were terrified. No one would touch land; they were naturally anxious to keep off it, but what that had to do with the present case I do not know. You are now reading some of the transactions of the Society of Friends, which is a most reliable authority if it was only applicable to the present issue.

Mr. *Nolan*.—I'll give you my authority for reading this. It is contemporaneous history—what happened in 1847. You may consider my remarks wholly wide of the subject, but as counsel, whether I am right

or wrong, has something to do with the issue. If you will hear what I have to say——

Mr. Justice FITZGERALD.—I do not think you see the objection of the Court. We have no objection to your observing on this matter of contemporaneous history, that there was then this great famine, that there was then great depopulation of the people by the famine, that there was an exodus from the country, and, no doubt, that there was afterwards a great many evictions. There are cases connected with them which were offered in evidence. What we object to is reading these extracts from anyone.

Mr. *Nolan.*—Your lordships have examined them, but if you think I am taking up time, you may remember that during the progress of the cross-examination I hardly cross-examined one witness at any length, and you cannot say I occupied much time.

Mr. Justice FITZGERALD.—It is really not a question of time. It is a question of the applicability of those extracts to the issues. I do not wish to limit your remarks upon the question at issue. The real question is does it bear on these issues.

Mr. *Nolan.*—I tell you the way I put it is this. I was perfectly aware, before I read these extracts, from this work of Mr. O'Rorke about the famine of 1846 and 1847. I was perfectly aware of it, and I can only state that coming from the west of Ireland, and knowing intimately gentlemen who have been highly praised for their conduct during that time that I was not aware until I read these transactions myself of the intensity of the misery, and I submit that that being the case, and there being many extracts like them which could be read, I have a right, as a matter of contemporary history, to read any book on the subject. Then the question is, is this a proper book. The law is laid down in this way. It is laid down by Best on evidence, who, on a question like this, would be about the highest authority. "In a recent case it was held in the Court of Exchequer that counsel could refer to contemporaneous history in his address, but not for the purpose of proving a fact stated in the history. I don't refer to it as proving it by the fact. I prove it just to show the intensity of this distress, and if you ask me——

Mr. Justice FITZGERALD.—First of all there is a fatal objection. If this was at all a matter to be considered it should have been considered at a much earlier stage of the case. No doubt you are quoting from a good book; it is not alone that it is the production of Mr. Forster, but there are letters written in simple sympathetic language that would draw tears from any one. But in excluding these extracts I may say that there was never a public trial in which there was greater latitude given than in this. We do not wish to impose any unnecessary restraints upon counsel, but we must tell you again, and rule as a matter of law—and that must be obeyed—that we will not hear these extracts read.

Mr. Justice BARRY.—I shall only add—and I speak in the presence of the most experienced advocate in the United Kingdom—that I entirely concur in the observations of my brother Fitzgerald, and that never was there a trial in which there was greater latitude given to traversers' counsel for the discussion of matters relevant to the issue.

Mr. *Nolan.*—I am about to pass away from the extract. The desire of the learned counsel in this case was that this question should be decided. I may mention that, in the O'Connell trial, there was no limitation at all, even to reading newspapers.

Mr. Justice BARRY.—You will excuse me for saying that, in the

O'Connell trial, which I have read some two or three times over for the purposes of this trial, nothing like what you are reading is attempted.

Mr. *Macdonogh*.—I am perfectly sure my young and learned friend will take the advice of the court.

Mr. *M'Laughlin*.—As senior counsel has intervened, your lordships will allow me to say one word. I am now speaking for myself, propounding the same opinions as I propounded before in the court. The distinction that I have pointed out in favour of my learned friend behind me is this. Your lordships know we all appear for separate traversers, and that in strictness, if we have been anxious to take advantage of the rule for the purpose of wasting the public time, we would be entitled to two speeches. Well, as I have often done when defending prisoners, I abstained from speaking until the evidence for the defence had been given, but that would not prevent me from going through the case as if I was opening it in the first instance. My learned friend is only doing that now ; he has as much right to open the case, and make a speech *in omnibus*, since my friend, Mr. Macdonogh duly opened the case for Mr. Parnell and Mr. Dillon. Like case like rule, and I do not see why there should be any distinction. I do not think there should be any distinction. There is a fallacy, I say it with all respect, that I think has crept into the discussion, and it is, namely, that my friend is only replying, while in fact in one speech he is both opening and replying.

Mr. Justice FITZGERALD.—Not a word has fallen from the Bench that would limit his right in any way, even if this were his opening speech, and your observations, Mr. M'Laughlin, are not at all to the point. I may say that you, yourself, made a very able, vigorous, and judicious speech.

Mr. *M'Laughlin*.—I say nothing about myself at all.

Mr. Justice FITZGERALD.—But we think Mr. Nolan is exceeding the limits, and we rule as a matter of law, not as a matter of discussion, and that must be obeyed, that we cannot permit these extracts to be read.

Mr. Justice BARRY.—The extracts referred to by Mr. Nolan are not the same as those mentioned by Best, cited by Mr. Nolan. He purposes to give quotations of alleged facts, without having witnesses examined with references to these facts.

Mr. *Nolan*.—Very well. I do not intend to do it. I only wished to have it clearly understood that there are some gentlemen who have to follow me, and that they wished to have this question of extracts settled one way or other. They requested me to read extracts—these extracts—for the purpose of having it settled. The very extract I read I read with the approbation of Mr. Macdonogh, in order that the question should be settled. It was, gentlemen, an extract relating to the famine of 1847. It has now been disposed of, and I must say, gentlemen, that I have equal satisfaction as if I had read it; and the reason is because the book which was referred to, has, it appears, been read by their lordships, and with reference to what Mr. Rorke said, his lordship stated that it would make one shed tears. I am perfectly satisfied with that, because in 1879 and 1880, when, gentlemen, a famine was going on, Mr. Parnell knew perfectly well what occurred in 1847 and 1848. He went to America. You have been told the result of his charitable journey—that he sent to this country an enormous amount of money, and that this country was saved. You see from the list of the scheduled districts what amount of money was raised, as I say, chiefly through the exertions of Mr. Parnell ;

for, until he announced his intention of starting on this charitable tour, no effort had been made in this country—and so we had not such a fearful time in 1879 and 1880. I have the extract to which I intended to refer. It would have been next in my list, but I do not refer to it in deference to his lordship. It was an extract by the same gentleman who accompanied Mr. Forster in 1847, who again, in 1879 and 1880, proceeded and visited Ireland, and I am sure Mr. Chute is a charitable man. That is a written and published book, and probably and possibly some of you have seen it. But I do say this, gentlemen, that misery existed in 1879 and 1880; and I state this, whether you agree with me or not, that for a long time that famine was coming was denied. I remember my own state of mind on the subject at the time, and I could not know whether famine was coming or not. Gentlemen, that it did come, and that it would have been a terrible one if measures had not been taken to relieve the distress is admitted. There is another extract from a communication by a Royal Duke to which I am not going to refer. Mr. Macdonogh need not be under any apprehension. I bow, as I always do, to the ruling of the Court, but at the same time I had a right to raise a question which must be decided one way or other. You have heard that Mr. Parnell went to America and that £300,000 came from America, and £200,000, I think, from other countries, and the distress was relieved. A general election took place in the midst of this distress. At that general election in round numbers (although, gentlemen, I take no part in politics I have always followed very carefully the question of the relations between landlord and tenant) some eighty members were returned, to the surprise of every one in Ireland, pledged to what in March last would be called very advanced doctrines on this land question. Mr. Parnell and his party were in number sixty-three, and the others were members returned on advanced Liberal principles. Well, gentlemen, March came and Parliament met, and the new Government was formed. There were, very naturally, expectations from this new Government. I think Mr. Parnell said in one of his speeches that he expected nothing from the Tories, but that now the Liberals were in they expected some measure from them; because, gentlemen, the Liberal party were ostracised from power up to the Reform Act, and since they passed the Reform Act they had a long run of power, and it has been owing to the Irish members—call them what you will—Irish members in one shape or form—that the Liberal party has been so strong. Well, gentlemen, after they came in, what happened? No measure for Ireland. They were going on in this way, and a private member, Mr. O'Connor Power, introduced a bill. The Government objected to the passing of this Bill of Mr. O'Connor Power's, and they passed this Bill which is in evidence, and which, as far as I can make out, is exactly the same as Mr. O'Connor Power's, except that it is limited to certain districts, and that it recites the scheduled districts. And, gentlemen, once this was done there was a great cry of Communism, and everything of that class to Ireland on the part of England. My friend, Mr. Curran, read you the speech, or portion of the speech before the question was settled, of the opinion of a noble lord on the subject. But the Liberals, having brought in their Bill, wanted to pass their Bill, and you have heard the speeches, which are in evidence—I am not going to read them over again—of the Right Hon. Hugh Law, the Marquess of Hartington, and of Mr. Gladstone, on that subject. Gentlemen, I think they painted the distress in Ireland in strong terms (not stronger than they deserved though), and gentlemen, I may say I think

they painted the possible and probable conduct, as they alleged, of the Irish landlords, now their great friends, in strong terms. The statement was made by the Right Hon. Hugh Law and by the Marquess of Hartington, in that debate, that there were good landlords in Ireland. That is not denied; but there are also bad landlords—that a state of affairs had arisen, not contemplated by the Land Act, and that there existed tenants who were unable to pay their rents (I suppose, my lord, I am at liberty to read a quotation from that debate) and that the result might be that unfair landlords would make use of the power which had been placed in their hands for the purpose of consolidating the holdings. I refer now to the statement of the Marquess of Hartington, who would be, I presume, if Mr. Gladstone was not, the chief of that great party—"In some parts of Ireland the impoverished circumstances of the tenant have placed in the hands of the landlord a weapon which the Government never contemplated, and which has enabled the landlord, at the sacrifice of a quarter or a half year's rent to clear his estate of hundreds of whom in ordinary circumstances he would not have been able to remove, except upon payment of a heavy pecuniary fine. I ask whether that is not a weapon calculated to enable landlords absolutely to defeat the main purposes of the Act. Supposing a landlord wished to clear his estate of a number of small tenants he knows that this is the time to do it, and if he should lose this opportunity he can never have it again without a great pecuniary sacrifice. Therefore, the exceptional circumstances of the times have placed in the hands of bad landlords in Ireland—and such there are—a power which will enable them absolutely to defeat the purposes of the Land Act of 1870. Well, sir, that is the main object which the present Bill is intended to meet." And there is one other extract from the speech of the Marquess of Hartington to which I will refer as particularly pertinent to the question. It was in reply to some noble members of that House who were not, I presume, speaking in a complimentary way of the measure which the heir to great estates in Ireland insisted on as necessary:—"If you insist that this Bill is a Bill to suspend the payment of rent, which I have endeavoured to show it is far from being. If you insist upon telling the tenants that Parliament and the Government do not desire that they should pay any rent for the next two years—can you be very much surprised if the tenants believe it?" That, gentlemen, was applied to his opponents, the Conservatives, who represented the landlords on that occasion of the defence of that Bill. Gentlemen, that Bill was thrown out, and you have heard how it was thrown out. The Bill was simply this: It was the same as the Ulster Custom. If a landlord evicts a tenant for the non-payment of rent the Ulster Custom applies and the tenant receives compensation. If a landlord evicted a tenant for the non-payment of rent last year, if he could not pay the rent, he might claim some small thing, but he could not claim compensation for disturbance. Gentlemen, the defence of that Bill I leave in the able hands of the Marquess of Hartington and in the able hands of Mr. Gladstone. I pass away from that. Mr. Parnell was present at these debates. He was present when this Bill passed the House of Commons, and I assume he was present when this was thrown out. What then could he think? What could any one think? True it is you have a Government which, as Mr. Macdonogh says, wishes to do good for Ireland; true you have a party with an enormous majority in the House of Commons. The House of Lords have power, and you see that the Liberal members are so much under the control of the leaders

that they throw out their leader's own Bill. He knew (the Government passed no Bill at all for the tenants) that they passed a Bill lending money to the landlords at one per cent., and a great deal of that money was not to be spent in the famine years. They passed no Bill, there is no doubt about that. The Irish were saved by public charity. What did Mr. Parnell say? He said there was an honourable man—by the word honourable he meant a man who wished to pass good measures for Ireland, but they are not all powerful—and he said that the agitation which had commenced in Ireland for peasant proprietary was to go on. There had been a Parliamentary Committee, as the Right Hon. the Attorney-General told you, which had recommended to a certain extent peasant proprietorship; and Mr. Parnell was in favour of it. It may be said this peasant proprietorship is not suitable for Ireland; it cannot be got. You have been told how the French got it. I do not agree with some of the defendants as to how the French got it; and I will say a word to you as to how they got it. In 1789 the king got into debt, and when he got into debt he had to call Parliament together, and the Parliament got a constitution. When the Parliament got a constitution the nobles, the landlords, were dissatisfied with it and they fled the country. Where next do we hear of them? We hear of them, gentlemen, leaving their land, the fair land of France; and in 1792 when the Duke of Brunswick invaded the land, there were 12,000 emigrants fighting against France and seeking to interfere with the free will of the king, who had granted the constitution. Is it a wonder that all the lands of those emigrants, the lands of those who had deserted their country, those who ought to have stood by their king and aided him,—is it a wonder that their lands were confiscated and sold? Of course the tenants got them cheaper by being sold in a revolutionary time. Thus the French became, not by murdering the landlords, but in the way I have stated, peasant proprietors. Have they prospered? I will obey the ruling of his lordship, but I could refer to extract after extract to show that peasant proprietorship has prospered. You know it has increased the wealth of France, and you know how well managed the Civil Government of France is. It is the admiration of all who go there. Was that the only case? What was the Prussian system? You have all heard how in 1807 the French invaded Prussia, and how the soldiers, the descendants of the great Frederick, fell at Jena. Well, what happened? There was a man in Prussia, who had been a long time in the service of the Government, called Stein. I will call him a man in Prussia, because I will tell you how Napoleon called him when he disliked him. Mr. Stein was a landlord. His position was very much like that of Mr. Parnell. He was what was called a German knight. He saw that in 1807 the Prussian soldiers had no real interest in the battle; that they thought it made very little difference who ruled over them; and if they had not fought well at Jena —I do not think he ever said they did not—but they never rallied, and they did not care for their country the moment defeat came. He determined to do something that would give a large number of proprietors who would have a stake in their country, and then he framed those rules that culminated in a peasant proprietary. Napoleon was not glad when Stein was made Prime Minister of the King of Prussia. He soon saw the man he had to deal with; and he issued an order that, wherever any of his soldiers should find a man named Stein, they were to take him and kill him. Stein afterwards went to Russia, and he was succeeded by Hartenburg. But his rules were initiated and carried out; and you have heard in modern days how the Prussian loves his country, how

he fights for and speaks of Fatherland. In the great war with France my sympathies were not with the Prussians, but I must bear testimony to the way they all fought, to their magnificent conduct and love of country. The same thing happened in Russia. The Russians did not fight very well in the Crimea. What happened? They created a peasant proprietary in the same way. The way they created peasant proprietors in Russia was this,—that a nobleman was given part of the land, and he had to arrange with the tenant for the sum of money the latter was to pay for the rest of the land; or if they did not come to an arrangement as to the price within three years, the law arranged it. A great many came to the arrangement of leaving a fixed income to be paid. This was considered bad, and in 1850, the landlords were bound to commute the fixed income coming out of portion of the land, at eighteen years' purchase. Gentlemen, that is what happened in Prussia and Russia. Well, you may say England will not follow her example. Mr. Parnell is embarking in a wild scheme. But you have instances of it existing in the Channel Islands; you have an instance referred to by Mr. Sexton in his speech when he mentioned Prince Edward's Island. There the tenants were not paying their rents, it was said they were entering into a combination about it. And what happened? What happened was this—that the English Government advised that the tenants should become proprietors, and a fixed sum to be paid to the landlord—something very small. With all those instances was not it, gentlemen, a reasonable thing and a wise thing for Mr. Parnell to embark in this scheme of peasant proprietors? Now, gentlemen, there is another question here whether fixity of tenure is not a better scheme; it was rather represented to you that fixity of tenure was proposed by the Government, and that Mr. Parnell would not have it, and would embark in the agitation for peasant proprietors. You must remember things as they existed — you must remember the speech of Mr. Parnell, that from 1874 to 1878 Bills were introduced by Mr. Butt and Mr. M'Carthy Downing for fixity of tenure, and that those Bills would not, of course, get a second reading in the House of Commons—they would almost refuse to discuss them. The Irish members used to divide about sixty. In 1876 they were opposed by the Liberals speaking from the front Opposition benches. Fixity of tenure was strongly and stoutly opposed; and one of the chief arguments urged against fixity of tenure by members of the present Government, speaking from the front Opposition benches, was that fixity of tenure was unfair for the labourers. Mr. Law here now says that peasant proprietorship is unfair for the labourers.

The *Attorney-General.*—I beg to say I said nothing of the kind.

Mr. *Nolan.*—Well, gentlemen, if Mr. Law did not say that I certainly misunderstood him; but what he conveyed to me was that this agitation for making those men peasant proprietors gave no chance for the labourers becoming anything at all.

The *Attorney-General.*—That is a matter of opinion.

Mr. *Nolan.*—I interpreted the words the way I put it to you. I am surprised at Mr. Law contradicting me; because in 1876 he argued that fixity of tenure was unfair for the labourers. Now, gentlemen, there was one matter I came into controversy with his lordship about, and I wish to refer to it. That was the speech of Mr. O'Shaughnessy. I think his lordship thought that I had no object in the world in getting that speech in. I had a clear and distinct object; for having listened to the speech of the Right Honorable Hugh Law I wanted to show

that sensible men had come to the conclusion that fixity of tenure was not to be obtained. And what does Mr. O'Shaughnessy say? "And now as Mr. Bright and a great many able Englishmen who agree with us decline, and have frequently declined, to allow rents to be measured, I say that the only way you can compel the Irish landlord to submit to fair rents is to compel him to have his land sold, if he will not permit it, and to have the people turned into peasant proprietors." That was my object. I wanted to be able to put forward a gentleman whose abilities I admire, who is in Parliament since 1874. His statement—and of course his statement to me is exactly the same as if he were sworn in that box—is that he believed Mr. Bright would not go in for it. Gentlemen, what was the belief of Mr. Parnell on that subject? "You will observe that the lines of the one are entirely different from the lines of the other. Mr. Gladstone, Mr. Bright, and Mr. Forster have repeatedly declared that they will not go outside the lines of the Land Act in amending the relations between landlord and tenant; that they will not adopt the principle of Government Arbitration Courts for the purpose of fixing what the rent shall be." With that statement before you, do not you know that Mr. Parnell knew, as Mr. O'Shaughnessy knew, that then a measure of fixity of tenure would not and could not be carried through the House of Commons? Is it to be carried? This much you have seen, that already there seems to be no more doubt about that, if any of you have watched Parliamentary proceedings. But if it is carried, it is carried through the exertions of Mr. Parnell and Mr. Sexton, and those other defendants, members of the Land League, who, seeing they could not get fixity of tenure, went in, gentlemen, for peasant proprietorship, which flourishes so much in other countries. Gentlemen, I think, without trenching on the rule of his lordship, I may say this, that an article written by one of the most eminent Irishmen of the day, Lord Dufferin, has lately appeared in the *Times* showing that fixity of tenure was not a proposal that ought to be entertained as regards land reform. Mind, gentlemen, this Lord Dufferin is a Liberal. He is a man of the highest ability. You may imagine what position he has from the fact that when the Conservative party wanted a good Minister for Russia, they saw he was the best man, and sent him there. Gentlemen, I referred to the statement of Mr. Parnell, in order to show you what he believed on this subject. Well, what happened? After Parliament was dissolved in August, there were a large number of meetings held. It appears that the first meeting that Mr. Sexton attended was on the 2nd October. There is no meeting which he is alleged to have attended prior to that date. There is some slight or shadowy evidence, that at the Phœnix Park meeting, he was seen some place in the neighbourhood of the Land League office. But there is no evidence that he was at the meeting. There is no evidence of the meeting itself. Therefore, gentlemen, there is no evidence at all in any way affecting Mr. Sexton prior to 2nd October. Well, gentlemen, it appears he attended altogether, I think, about three meetings prior to the date of the filing of the information on the 1st or 2nd of November. Thus, gentlemen, things were in this state, that you had no measure of land reform promised for this year—none in the world. Mr. Bright used to get up in Parliament and say they would do everything for Ireland; and Lord Hartington used to get up and say—"Mind, we have a Commission. We are promised and pledged to nothing." Mr. Parnell and others, seeing Ireland in the state which has been described, go into the country, and they, 22 or 24 members, attend meetings,

and at the meetings, naturally, the subject spoken of was Irish Land Reform. It is said, gentlemen, there was a conspiracy. Why? Because they spoke on the same subject. But, gentlemen, they spoke on the same subject, because every Member of Parliament returned by the tenants knows very well that that is the only subject the tenants want to be spoken on. That is the one subject before their minds. Well, it is said there was concert, for they put forward the same remedy. I have shown you that they believe there is only one possible remedy. And mind, this peasant proprietorship in Ireland was initiated by Mr. Bright in a great speech which was delivered in Dublin in '68. Some of the Land Act clauses are called the Bright Clauses. But they wholly failed. Well, gentlemen, it is said they entered into a conspiracy, but this conspiracy had so gained in nine months—during three of which Mr. Parnell was in America and Mr. Dillon was in America, and did not attend till the end of June—Members of Parliament attended the meetings, and they discussed the subject of the day. The Liberals praised the Liberals; the Conservatives denounced the Liberals, and their measures, and their whole conduct. There were meetings in England against what Mr. Parnell wanted. Is it unfair, or is there anything wrong? What did they advocate? I am not going, gentlemen, to read extract after extract, which I could read in evidence, of the statement of the different speakers, what they went in for; but every one of them went in for peasant proprietorship and compensating the landlord. Mr. Parnell, in one of his speeches, said the occupying tenants were willing to give Government compensation, and let the Government give the landlords their share of the compensation. A payment of 5 per cent. for thirty-five years is the exact scheme that could be carried out. The Government could have got the money at 4¾ per cent., and the difference would pay back the capital and the interest of the money; so that the proposition was perfectly reasonable and rational. Mr. Justin M'Carthy went in the same direction as Mr. Dillon and Mr. Parnell. Mr. Sexton, at the Oola meeting, referred to the case of Prince Edward's Island; and Mr. Arthur O'Connor and numerous others all referred to this scheme of the landlords being purchased out. Well, it is said, gentlemen, that they offer only twenty years' purchase on Griffith's valuation. In point of fact, they made no such offer at all. What they said was, that Government should make an offer, and when the tenants are to purchase and the landlords to sell, of course there would be naturally a difference about the price—what the landlords are entitled to is the fair value. Gentlemen, is this twenty years such a very wild offer? What was land sold for in the Landed Estates Court in Ireland up to about three years ago? I had the exact figures at which it was sold in the Province of Connaught. It was sold at eighteen years' purchase. That is since the Land Act. Curiously enough to say, it sold at a small per centage less by the passing of the Land Act. It sold at about eighteen years' purchase in Connaught, and in other provinces in Ireland it sold at three or four years more. Mind, gentlemen, that return includes grass land; it includes grazing farms which would sell for much more than the tenants' holdings, and therefore the price which would be got for tenants' holdings, if the land was sold in Connaught, would be considerably less than at eighteen years' purchase. Well, gentlemen, notwithstanding all these facts and matters which have been submitted to you, the Government thought proper to decide on this prosecution, and the issue rests with you. I have not very much more to say to you. My learned friend, Mr. Curran, went over the evidence in detail,

and, therefore, gentlemen, it is not necessary that I should follow him in what he has done. I may, however, refer to the fact of the approval which these meetings received from the Bishops of the Church—Archbishop Croke, Dr. Moran, the Bishop of Waterford, and several others. Have they not approved of this agitation, an agitation, gentlemen, the object of which was to acquire peasant proprietorship in Ireland and some settlement of this land question? Now, gentlemen, could this prosecution, commenced here, have been instituted in England? I will here just say one word on the subject of trades unionism. Formerly you could indict a man in England for what was then regarded as a criminal offence; that is a number of workmen confederating and agreeing not to work except at a particular rate of wages. That being the state of the law, an Act was passed in the year 1870, when a Liberal Government were in power, to the effect that no individual should be liable to punishment for doing an act simply on the ground that such an act tended to restrain the free course of trade. That Act made the Act null by which trades unionists could be prosecuted; and in 1875 a further Act, in favour of workmen, was passed, so that any combination on the part of two or more to do any act in contemplation of the furtherance of a trade dispute, would not render them liable to be indicted for conspiracy; such an act, if committed by one person, not being punishable as a crime. That is what they have done for trade unionists in England; but here the statement of the Crown is that these gentlemen, the traversers, are liable for what is not a criminal offence in England. These gentlemen have never been guilty of the criminal acts alleged, yet the law officers of a Liberal Government in Ireland institute a prosecution against them for conspiracy, which could not be, and would not be, attempted in England. For the purpose of prosecuting them they have had recourse to this old weapon of conspiracy, which had been tried in England, and which had been condemned and thrown aside. It is said you can indict a man if he does a criminal act. Quite right, for what he does himself; but don't have this wild doctrine of indicting him for what others do. How are you to infer concert for an illegal act? Because you find men pointing out a system of land reform in Ireland you are asked to infer they are guilty of conspiracy. Gentlemen, it seems to me that it is only in Ireland such an indictment could be framed. It would be absolutely impossible in England. When I state that, I state it deliberately, because I know that this very prosecution has been so spoken of by a member of the present Government—Mr. Courtenay. Well, gentlemen, you have men here in Ireland indicted as conspirators for doing an act; while in England an indictment would not be allowed for the doing of a similar act. Do you approve of that? It is said, gentlemen, that they advocated Communism. They have not advocated Communism; they have not advocated depriving the landlords of their property. On the contrary, they have advocated purchasing the property of the landlords on fair and equitable terms, but they have advocated that the tenants have a right to remain in possession of their holdings, and the Government are to a great extent responsible. I have shown what the facts are. Gentlemen, I have now all but done. Ireland is undoubtedly not prosperous, and you must find out some reason why it is not. I want you, gentlemen, to say what is the cause of it. Is it because the land of Ireland is not fertile? You know it is better land than they have in Belgium. Is it the fault of the people or the fault of the law under which they live? There was a time, no doubt, gentlemen, when it might have been said that it was the fault of the Irish people. We

have all read—we have all heard possibly—the Irish people abused. They have been described as lazy and indolent, and as a people who do not care to work. Possibly, gentlemen, that might have been said long ago of the Irish people. Perhaps they were only known by what they had done, and they were afforded little opportunity of doing anything in Ireland. We all know that in Ireland up to the end of the seventeenth century that history was a miserable one indeed? A curious story, a pleasant story for Irishmen, is told by Macaulay. He says that James the Second was dissatisfied with the Irish troops under his command. He did not believe they could fight, and he asked the French king to send him some French troops. The French king did so, but stipulated that he was to receive in exchange an equal number of Irish to be soldiers, but he did not care whether they were drilled or undrilled. The exchange was made, and you have read and heard how on a memorable day the French troops and the Irish were defeated while their commander looked on in safety from a distant hill, while his competitor, sword in hand, was fording a river fighting for the fairest kingdom in the world! That is Irish history. But, gentlemen, Macaulay has vindicated the Irish people from the calumny that they are lazy and indolent. He tells that almost within the same year those troops so exchanged fought a battle on the border land of France and Italy; that battle is called Marseilla. It was a victory for the French arms, and both friend and foe gave the honour of that day to Ireland. Gentlemen, that was the first battle emblazoned on the famous standards which afterwards, according to military archives, floated over 200,000 of your countrymen who fell in the honour of their flags, defending them and fighting for France when they had to leave their country. Gentlemen, you all know how the victory of that day was surpassed on another occasion. You have heard how the English Guards drove before them the French household troops until they were driven back by your countrymen, and you have read the statement of the king, who said, "Cursed be the laws that deprived him of such soldiers." Gentlemen, I do not refer to these matters to painfully recall the history of times that are past and gone. You know full well that the soldiers who fought so well under that French king and under the French flag distinguished themselves on many a battle field, reflecting honour on themselves and lustre on their country. Surely we may recall those deeds with pride, gentlemen, whenever we find a wish or disposition to disparage the character of our countrymen. If they possess no other qualities, has not history proved that they possess that quality which commands respect and admiration, and that is the quality of making brave soldiers, whether they happen to be fighting under the flag of England or of France. Therefore, it is not the fault of the country or of the people. They are not lazy or indolent. What is it, then? I say it must be the state of the laws under which they live; and we say those laws are landlordism. Mr. Parnell has striven to change those laws; Mr. Sexton and the other traversers have striven to change them; and you are asked to find that is a crime, and brand them as conspirators. Gentlemen, I believe you will not so find. I believe you will give a just and honest verdict, and your word will go abroad that to seek to better, to benefit one's country is no crime, and that Mr. Parnell, Mr. Sexton, and the other gentlemen who have been indicted will go forth from this Court to advocate the interests of their country in what I believe will prove the most memorable Parliament for Ireland that has ever yet assembled. Gentlemen, the Attorney-General has told you there is a great desire to alleviate the distress of the Irish

people in the West. I believe, gentlemen, and I trust, there is such a desire, and I trust it may be accomplished. But, gentlemen, if it is accomplished, and if a grand measure of land reform is carried, every one will admit that in a great measure it is owing to an agitation for land reform which was not commenced yesterday, but which has been carried on for many and many a day, and for which many a man has struggled. When granted there may be some chance of peace and prosperity in this unhappy country. If it is granted, I doubt not the country will become peaceful and prosperous. If you give us your verdict, I believe the Irish tenants—I believe the Irish people, in whatever quarter of the world they may dwell, will believe that at last there is a new day dawning for Ireland, and that at length the recording angel, who so long had nought to record but the miseries and misfortunes of our common country, will rejoice that the long looked for day is at last approaching when a new leaf may be turned over destined to contain the doings of a prosperous, loyal, and contented people.

Mr. *Richard Adams.*—May it please your Lordships and Gentlemen of the Jury—I appear here for two of the traversers, Mr. M. M. O'Sullivan and Mr. P. J. Sheridan. Gentlemen of the jury, I freely confess that if I consulted my personal inclinations, that at this stage of the case, after the patient and unremitting attention my lords, and you, gentlemen of the jury, have given to it—if I consulted my personal inclinations, I would most unquestionably waive my right to speak. But, gentlemen, it was determined that each counsel shall address the Court and jury on behalf of his clients, and it would be unjust to the individual clients whose interests I have been feebly guarding since the commencement of the case, if I did not offer to you a few words. I only promise to you that when the usual time comes for the adjournment I shall close, and you will say that my speech has one merit of eloquence, that of brevity. Gentlemen of the jury, when we originally determined that each of the counsel should address you, we believed we would have a weighty and a difficult task, because we thought we would have a great mass of evidence for the defence to devote our attention to. Gentlemen, the evidence for the defence is slight and trivial. You know why. The people of Ireland—I should rather say those traversers here, it is for you to say whether they are the people of Ireland or not, the men who are carrying the flag and doing battle for the tenants of Ireland, like an ancient champion have thrown down the glove on the table of the court, but the recreant knights who are doing battle for the landlords declined to take up the glove, and our veteran knight has ridden off triumphant with the nineteenth count as a feather in his helmet. Gentlemen, it has been said—a great English writer has been quoted as saying—that a nation is more powerful than a lord. A nation is more generous than a lord. It will be some consolation to you to know that poor old Berry, the ex-tenant of the Earl of Lucan, will not go back to the place where so many of my lord's tenants are spending the evening of their days, to the pauper wards of the Loughrea workhouse, but will be maintained in comfort and honour for the rest of his life. Gentlemen of the jury, you heard from our veteran leader that this is no petty case. It is no squabble between A and B, between man and man; it is no charge against a few individuals of conspiring to cheat a tradesman of his wares; it is no charge against some libertine and his associates of carrying off some victim. Gentlemen, Sir Robert Peel said you cannot indict a nation. I regret it was left to his most illustrious disciple to attempt that task. A case like this, as you heard from my learned friend, you never heard before. You never

heard of five members of Parliament being tried before. Never heard of their being tried, but I did hear how a tyrant king exercised the hand of power against five members of Parliament in the British House of Commons, and how the end of that abominable transaction was a scaffold erected for that sovereign before the banqueting place at Whitehall. This is a great political trial, and you cannot do your duty without carrying with you, when you retire from that box, great political and historical considerations. Gentlemen, I am no base adulator of England; no character fits so badly on an Irishman; but I am no base denier to her of such fair fame as she is entitled to. And this I say, whatever England may be in dealing with subject nations, and whether she deals with the Afghans in Central Asia, or Dutchmen in South Africa, or Celts in Connaught, she does not appear to possess in an exceptional degree the faculty of attaching their sympathies and affections. Whatever she may be in dealing with other nations, this I say of her, that within her own four seas, dealing with her own English people, she has succeeded in a most remarkable degree in solving the great problem of uniting liberty and order. Far different, indeed, has been the fate of other countries. You have heard in the course of the speeches allusion made to that tremendous catastrophe in which that fair and famous land, divided from England only by a silver streak of sea, was ninety years ago involved. Gentlemen, the landlords of Ireland are crying to heaven and earth that never yet was there an aristocracy suffering such misfortunes as the Land League inflicted on them. Why, if the Land League was guilty, and did all that was charged, what is the fate which has fallen on them? That in times of great calamity, after three years of lean kine had affected Ireland, the wealthiest class in the community were compelled to accept 17*s.* 6*d.* in the pound on their impossible rents. What has been the fate of the aristocracy of France? Have you ever visited that country which still bears to the eye of the passing stranger the marks of a general dissolution and revolution of society? Have you ever passed aside from the splendour and gaieties of modern Paris to walk down by those once splendid mansions, now turned into lodginghouses along the silent streets of the Faubourg St. Germain? Have you ever seen the ruins of those castles whose terraces and gardens overhang the Loire? Have you heard that from those magnificent hotels, from those ancient castles, an aristocracy as proud, as brave, as splendid as any Europe ever saw, was driven forth to exile and beggary, to implore the charity of hostile Governments and hostile creeds, to cut wood in the back settlements of America, and teach French in the schoolrooms of London? It was not the aristocracy of France alone that was overwhelmed in that great catastrophe, but the city of Paris ran with the blood of the fair and noble. The revolution, Saturn-like in the end, devoured its own children, and the lava flood passing beyond the boundaries of France set the world in a flame. Why was France cursed with that awful catastrophe? Why was it in 1779 the French people could not obtain the peaceful reform they needed without setting the world in a blaze? It was because they had no political liberty, because they had no free Parliament, no free speech; because, above all, they had no right of free public meeting—the right which you are trying here to-day. It was because the flood of discontent poured through secret channels, through the channel of the secret printing press, through the channel of the secret society, through the channel of the conspirators' garret, generating into a force which produced a convulsion that shook the world.

How far different has it been in England; there for 200 years

freedom has slowly broadened down; and 200 years have elapsed since English maiden sought the watchfire of an enemy, or the still more baneful gloom of brothers' swords crossed in civil war. Why was this? Because, thanks to the Revolution, for 200 years England has enjoyed free speech—she has enjoyed a free press—a free Parliament, and the free right of public meeting. Gentlemen, these liberties are not purchased without a price. You have heard from my learned leader, Mr. Macdonogh, and from other gentlemen, of the great troubles that attended the Reform agitation of 1831—how part of Bristol was burned to the ground—how the splendid palace of the Duke of Newcastle was sacked and burned—how outrages took place in every part of the country, and how the jails of Derby were broken open. Gentlemen, I think even in the heart of the City of London you will find a still more memorable and touching scene of what happened in those days. Stand at that magnificent edifice—the Marble Arch—and look at the palace which faces you, and you will see, with astonishment, that upon the front of that palace, in the heart of the richest and most peaceful district in the largest city in the world, that the windows are protected by huge iron shutters. Those shutters were put up by the owner of that house—by Arthur, Duke of Wellington, the hero of Waterloo, to protect himself from the fury of a London mob. What has the Land League done? A few wild words spoken, and Ireland is to be deprived of the right of public meeting which England has so long enjoyed. Gentlemen, what is it that the Land League has done? Gentlemen, you have heard how, under the old Gospel, this land war has existed in Ireland for 200 years. By that unhappy irony of fate which has always pursued this poor country, the event of the great revolution that placed the Prince of Orange on the throne, while it brought law and liberty to England, it brought confusion and misery to Ireland. The land war has raged for 200 years. It has cost the lives of thousands. The tenant's blunderbuss and the landlord's halter have both taken their dreadful tales of victims. We are told that the Land League is triumphant in Ireland. "While the peaceful Isle does slumber, wrapped in universal awe," never was Ireland so free from crime as at the present moment. I will read to you one extract from a speech—only one sentence—and it is the only extract I will trouble you with. It describes what Ireland was when agrarian agitation was carried on by the Ribbonmen and Peep o' Day boys—when agitation peered out from those secret channels. It is an extract from a speech spoken by the great Lord Macaulay, when in the House of Commons in 1833, in the lifetime of many who are now listening to me. "Since we parted last summer—(he said, describing the agrarian condition of Ireland)—the slaughter in Ireland has exceeded the slaughter at a pitched battle—the destruction of property has been as great as would have been caused by the storming of three or four towns. Civil war indeed. I would rather live in the midst of any civil war we had in England during the last two hundred years, than in some parts of Ireland at the present moment. Rather, much rather, live on the line of march of the Pretender's army than live in Tipperary now. It is idle to threaten us with civil war, we have it already." Gentlemen, that was the account of what Ireland was in a highly civilized time, under a Liberal government, before agrarian agitation began to pour in upon unlawful channels. What has the Land League done, gentlemen? It has called up the waters of agitation from their secret channels, and made them pure in the light of day under God's sun. The best day that Ireland ever saw was the day, that the spirit of agrarian discontent was coaxed out of the

mountain cave—out of the Ribbonmen's hut—and was focussed in a public room in Abbey street, with a big brass plate on the door, and the reporters sitting in the council chamber. Gentlemen, this is the agitation which our Liberal Government seeks by this absolute and worn out weapon to strike down. Gentlemen, what has the Land League done. Their avowed object you have heard. They were innocent principles such as recommend themselves to every honest man—to feed the hungry, to reform the land laws, and to rouse public opinion against the evil doings of the landlords. To rouse public opinion. And what are the masses of the speeches—I will not say speeches, but scraps of speeches—but rousing public opinion. Have men a right to rouse public opinion? That is the question you have to decide when you come to pronounce your verdict of guilty or not guilty. Have they a right to rouse public opinion against the evil doings of the landlords. Gentlemen, it needs no philosophy of Mill to tell us that in the best interests of society—in the interests of the State—the actions of an owner of land must be judged in a manner different from those of an owner of ordinary chattel property. Pass away now, gentlemen, from Ireland and this Land League. Pass to Scotland. It was stated, and with truth, that a great nobleman in Scotland—a great Duke—owns three counties in Scotland, and that the tenants upon his estates are almost all tenants at will from year to year on exceedingly short leases. Suppose any shopkeeper in Edinburgh—any haberdasher, or draper, or watchmaker thought it proper to shut up his place of business to-morrow that is his own affair. That is a loss to his employees, it is an inconvenience to his customers, but it is no concern to the public at large. But suppose that the Duke of Sutherland took it into his head—and he has the legal power to do it—no man could say him nay—to serve notices to quit upon every man living in those three counties, to clear out every one of the inhabitants of the towns—every inhabitant of the villages—to sweep away a happy and contented tenantry, and to reduce those three counties to a large deer forest—that is his legal right. Gentlemen, he has as much right to do so as a shopkeeper in Edinburgh to shut his shop, but if you can think of a man conceiving an idea so wicked and monstrous as I mention—then all Scotchmen—there was not one of the men of Bannockburn that would not start to their feet, and the roar from the Borders to John o' Groat's house would go through the isle, and the spoiler in morals, if not in law, would recoil. Is it to be said let Scotland cry out against landlord oppression—let England cry out against landlord oppression—but, if in Ireland you say—"do not evict—join together and raise the shout of public opinion"—raise a shout of public opinion—prevent evictions by public opinion—evoke public opinion—bring landlordism before public opinion—there is the place where the crime is charged, and where men are now awaiting your verdict. Now, gentlemen, what were the irregularities of which these men were guilty—the ends proposed by them were lawful ends. The means were public meetings called under the free air of Heaven—lawful means. What is the crime? A few wild words said to be uttered by speakers at those meetings. Why, I tell you that if once the doctrine is to be laid down that though a man enter into a lawful design, at any moment it may be converted into an unlawful design by a few wild words spoken here and there—farewell, I say, to the right of public meeting—farewell to all public meetings. Gentlemen, I could well understand if it was pretended that these meetings were held in a manner such as would terrify and intimidate Her Majesty's subjects. The case of O'Connell will go down to history with the case of Alice

Lyle, to which my learned leader referred as a scandal, a disgrace, and a prostitution of justice; but in the case of the Queen against O'Connell the accusers had one pretence which is wanting of them here—the gigantic size of the meetings referred to. 500,000 men assembled in Cork, 300,000 in Kilkenny, and half a million of men at Mullaghmast. They came from various districts, they marched in military order, they were headed by men on horseback called the Repeal cavalry, they obeyed the watchwords, and certainly they did present all the outward semblance of military array. It was said, and it was a difficult thing to answer it, that they called 500,000 men together, but it was not to hear arguments—it was not to hear speeches. It was physically impossible that 500,000 men could hear the speeches from the platform, and it was for terrorism that the people were called together. In the present case it was plain that the meetings were lawful—that they were of legal proportions—of reasonable size—and they were called not for the purpose of a physical demonstration, but for speeches and free discussion. They were sanctioned by the Government that first sent the police to watch them, and then withdrew them—I don't know whether by a secret pact or not—and you are asked to convict, for an unlawful conspiracy, these men on such evidence. Gentlemen, it has been laboured to you over and over again—I will not labour it now—it has been laboured over and over again that there was no common consent, that there was no common consent and design—that there was no mutual agreement for any unlawful purpose. These are the words which the judges have used in defining the crime of conspiracy. There was, no doubt, a common consent for a lawful object which they pursued, but beyond that, it has been pointed out to you that each man, with almost a singular diversity of opinion, has pursued, as I may say, his own hobby. Some of them were aiming at an end—that which is known as national politics. Gentlemen, there is no charge of sedition made against these men; and to pursue the restoration of Irish legislative independence is no crime. It is as lawful as to pursue any other lawful political end. It is not charged even as a crime. But it is no crime. Some of them were perhaps pursuing that. Gentlemen, the pursuit of legislative independence, we have been often told, is a dream. It may or it may not be. No man can read the future; but then, at least, it may be said that it is no mean or sordid dream. It is a dream which dazzled the imagination of some of Ireland's greatest sons. The dream of restoring Ireland to her old place at the council board of the public—the dream of replacing around her shoulders the mantle of nationality, and of placing the diadem of nationhood upon her royal brow—that is a dream that has dazzled the imaginations of the greatest Irishmen that Ireland ever bore. It has dazzled the imagination of Grattan—it has dazzled the imagination of O'Connell—O'Connell, upon whose tomb the present Attorney-General has laid the leaves of cypress and of laurel, but for whom the Attorney-General of the day had nothing but infamous persecution and an unjust prison:—

> "Seven great cities claim the great Homer dead,
> Through which the living Homer begged his daily bread."

But, gentlemen, were their objects the same. That was one of the objects. Some of them pursued it. Mr. Brennan, who has been pointed at is a man of great genius and great ability, and singular eloquence, had another object. He defined what he pursued as democratic politics. He found on the platform of the Land League an opportunity of preaching another lawful end—that of democratic politics.

It makes little consequence indeed. I do not entirely agree in the views he advanced. I would be sorry to think that the troubled stream of Irish history should ever lose itself in the bare and barren sands of democracy, "where every hillock appears a mountain, and every shrub a tree." I cannot deny that those views which Mr. Brennan preached are the views of millions, and that they dominate the greatest nations of the world. They are the views entertained in the great Republic of France, and also in the greater Republic beyond the Atlantic. Mr. Brennan was justified in preaching them. But even if they were unlawful views, they were not the views of this so-called conspiracy—not the views of his alleged fellow-conspirators, nor the views of the Land League. Then Mr. Egan, a gentleman for whom every one who knows him has not only the most sincere regard, but I say in this public Court, the greatest affection. Those are the feelings I entertain for him. He is a man of honour, and probity, and worth—a merchant of this great city, second to none. Gentlemen, Mr. Egan's views appear to have been largely devoted to the conducting of these finances, and we know how they were spent in feeding the hungry, in clothing the naked, and in relieving suffering. Gentlemen, did you ever hear of such an unparalleled thing in a trial of this kind. You have heard that in the middle of this foul conspiracy, the prosecutor and the prosecuted paused for a moment—how that Mr. Egan advanced £150, and how the First Lord of the Treasury, Mr. Gladstone, advanced £600, and between them they built the little pier that now shelters the fishery of Ross. Was there ever such a thing known in a prosecution of this kind? Does any man imagine that if this foul conspiracy was propounded, and that when it had done half the acts charged against it, Mr. Brady, a Government official, would have gone into that cave of darkness, and would have combined, confederated, and conspired with that notorious conspirator, Mr. Egan, to build the pier at Ross. Mr. M. M. O'Sullivan, one of my clients, introduced a design that does not appear to have been advanced by the other conspirators. The theory that he always was preaching was this—"Buy out the landlords"; and at every meeting he attended, in the very first of his speech, he evolved at great length and great ability — resting it upon facts and figures — his theory of buying out the landlords. Let me say this, that if ever it became necessary to buy out the landlords, the State has as much right to buy out a landlord, to save the nation, and to buy out all the landlords to save the nation, and to set free the people, as to buy out a landlord, to build a railway, or to dig a canal. All through their actions we search in vain for any common consent or design as to any of the unlawful acts charged. There was no plan. It was not even hinted that there was some dark day. I ask my learned friend, the Attorney-General, or I ask my learned friend, Sergeant Heron, to tell me in his reply what was the psychological moment when a lawful combination passed into a wicked conspiracy. Can he tell me what was the hour of the day when the fourteen men lay their heads together, and, having joined for a lawful determination, devoted their energies to an unlawful end. Gentlemen, there was no such day—there was no such hour—there was no such time. You are asked to convict these traversers upon what? Upon the nonsense that is talked by this man Nally, whiskyfied to a proper pitch of violence by Stringer and the constables who were ready to take down what fell from his lips. "Put that down," called the crowd, when they saw Stringer labouring with his blunted pencil to take down the absurd utterances of Nally. They did not know what we know. I have read of '98—

I have read of Jemmy O'Brien, and the infamous acts by which the noble and the great were done to death in those disastrous days, and I think that in its own way there is not a darker picture of petty police meanness than Stringer, and O'Rorke, and the rest of them plying with whiskey this man Nally, in order that they might have some broken sentences of a speech to send up to the Castle with the view to catch the Lion of the fold of Judah, Charles Stewart Parnell. Gentlemen, you heard the evidence of the police. It is a very serious thing if it is to be laid down that public men who form agitations, and who carry out those agitations by public meetings—it is a very serious thing if they are to be held up to the world as conspirators. It is a serious thing, at any rate, to say that the jury which is to send them to a felon's doom will not at the least have the true words that the men spoke. You heard the policemen reporters examined. You are men of sense. You are men of the world. You will say whether it is likely that a policeman enjoying a salary of £1 a week, if he were an expert shorthand writer, would remain in the force, when out of it he could obtain a salary of £12, £15, or £20 a week, as those able and educated gentlemen are remunerated. You will say what attention you will pay to the evidence of O'Rorke. He has been 14 years in the force, and he is still a full private—still an unpromoted sub-constable. He has been fourteen years in the force. This is the gentleman who thought *en masse* was Latin. You will say what attention you will pay to the gentleman with the miraculous note-book, upon which the wind and the rain of Heaven had no effect. You will say what attention will you pay to the gentleman with the other miraculous note-book, that neither the nudgings of the crowd nor the swaying of the masses of the people interferes with. You have heard the evidence also of that other man who left out the breaks, because he thought it would be nicer to have one connected speech, and who said he had not more than one word in five; and you have also the evidence of the man who said he took one sentence in ten. You also had the evidence of the man who took a report of a meeting at the same time as the shorthand writer took notes of a meeting lasting the same time—and while the shorthand writer produces thirty-five pages of transcript the policeman only produces five. Five into thirty-five goes seven times—and that is a proposition that I defy Mr. Sergeant Heron to deny. It is plain that that man had only taken one-seventh part of what was said. If you are to condemn men for speeches made in the light of day you should, gentlemen, insist on having those speeches given to you in full, and the Government should have sent better shorthand writers to the meetings than O'Rorke and Stringer, who was now the most famous man in Europe. Gentlemen, Mr. Curran has gone over the evidence once for all, and he has ably done it, and as he does everything else—fearlessly. He has done it at the request, and with the approval of his colleagues here, and he has saved us the trouble of going through it. He has done it, I must say, in a manner that reflects the highest credit upon his hereditary ability, and he has saved us the trouble of toiling through all that evidence. You have now, gentlemen, to pronounce, as you heard from my learned leader in the beginning, those serious words—most serious words—"guilty" or "not guilty." It has been said in this case—it is unnecessary for me to go into all the details—it is unnecessary for us to pursue this miserable information which like the wasp has lost its sting, for it lost its sting in the person of poor old Berry, and in the nineteenth count. It is unnecessary for us "Thrice to vanquish all our foes; thrice to slay our slain." But it is only for you to pronounce

"guilty" or "not guilty." Considering everything—considering the great political topics which I have with feeble voice endeavoured to urge upon you. It is said of these men charged that they have suffered a hard fate to sit here and to he charged as prisoners, and to be put to all the labour of a defence. That is true. Gentlemen, they have only met the fate that has fallen upon reformers in every age of the world. There is no chapter, I suppose, more melancholy in all human history than that in which is recorded the fate of reformers. The evils against which they drew the sword go down, but the men who have brought giant evils to the ground too often suffer. It has been so from the very beginning of history. It was so much more than 2,000 years ago, when the greatest, and the freest, and the most cultured community the world ever saw, had nothing for its mightiest son but a prison under the rock of the Acropolis, on that awful—that memorable day—when the first great martyr of intellectual liberty so meekly and mildly took the cup from the hands of his weeping jailer. Gentlemen, in each succeeding year the adoration of liberty has sounded in the hearts and in the ears of reformers:—

"They out-talked thee, hissed thee, tore thee,
Other men fared thus before thee,
Fired their ringing shot and passed,
Charged again and broke at last.
Charge again then, and be dumb,
See the victors, when they come,
When the forts of folly fall,
Find thy body near the wall."

Whatever the fates of these men the forts of folly are tottering to the ground. Too long over this island has brooded the monstrous edifice of land tenure, unsuited to our minds, our histories, our past and our future. Under its shadows things rank and foul in nature have gradually flourished. It has brought perennial starvation to a free and fertile land, and misery and beggary to a gifted and industrious people, but it is doomed. When the people of Israel went out against the Amorite city they turned against its walls neither catapult nor battering ram. The priests sounded the trumpet, the people shouted, and the walls of Jericho fell down. The walls of Jericho are tumbling to the earth, because the people of Ireland have raised up their voice. Who were the men who sounded the trumpet to evoke that great national outcry? They are sitting there. They await your verdict. They have no fear for that verdict, and they have no need to be afraid; and they do not fear the verdict of history, humble as they are, some of them:

"They are Freedom's now, and Fame's!
Some of the few, the immortal names,
That are not born to die."

(Applause.)

The Court adjourned till next morning.

SEVENTEENTH DAY—THURSDAY, JANUARY 20, 1881.

Mr. Justice FITZGERALD and Mr. Justice BARRY took their seats on the bench at a quarter-past eleven o'clock.

Mr. *Luke Dillon* said—May it please your lordships—Gentlemen of the jury, at the end of this great State prosecution, as the junior counsel in the case, I now proceed to address you. I do so, gentlemen, with feelings of unaffected diffidence—diffidence caused by the brilliant speech made here last evening, just preceding mine, by my dear friend and colleague, Mr. Adams—diffidence increased by the fact that I am to be followed by an accomplished, an acknowledged, Irish orator. I also feel diffidence, gentlemen, from the fact that every point, every argument, everything that could be said on behalf of the traversers, has been said well, and has been said eloquently; and, gentlemen, I am obliged to confess to myself that, from an oratorical point of view, I have been actually Boycotted in this case. Gentlemen, all the arguments I had prepared—all the oratory which I had composed in anticipation—have been appropriated, and well appropriated, by the speakers who have gone before me. Under these circumstances, and being the junior in this case, I do not think it would be becoming in me—I do not think it would be fair to you—that I should travel over, inefficiently, the ground so well and so ably trod before. I shall, therefore, propitiate you at the outset by saying that my remarks will be very brief indeed. In the first place, gentlemen of the jury, I appear here for Mr. Michael Boyton, one of the traversers, and I must take exception to the manner in which my client has been spoken of by the learned Attorney-General—of the manner in which, I presume, he was instructed by his client to speak of Mr. Boyton. He spoke of him, gentlemen, as the son of a shopkeeper near Rathangan. He forgot to tell you, or was it—in the language of the information "unknown to the Attorney-General," as a great many other things have been unknown to the Attorney-General in this case—was it unknown to him that my client was one of the victims of the system which he come forward to have redressed? Twenty-five years ago, gentlemen, his father, a Kildare farmer, holding land under the Duke of Leinster, was evicted from that land, was expatriated, went to America, and there in after years—he was a man of industry, a man of energy, who could not live under the land laws as they existed in this country—he prospered and reared his family comfortably. Many a time, in after years, by that foreign fireside, under the roof which his energies and labour had provided, did he tell his children that had he lived in Ireland his fate would have been the workhouse. Was it to be wondered at that Mr. Michael Boyton, on visiting his native country, should agitate for the purpose of redressing the laws under which he and his father had suffered? The bitter memory of the sufferings of his father—the bitter memory of the sufferings of his grandfather, who was an evicted Tipperary tenant, sank deep into his heart, and he was determined, with all that energy and ability for which the learned Attorney-General has given him credit, to do anything in his power to bring about a reformation in the Irish land system. Gen-

tlemen, my client, Mr. Boyton, is a man of education—he belongs to a profession as honourable as the profession which I humbly follow, as honourable as the profession which my right hon. friend the Attorney-General follows. He is an engineer, and by his energies he has received distinctions from foreign States. He has been knighted by a foreign State—that is the reward he got there; but when he came to his own country, after twenty-five years of exile, he is denounced, and put in the dock as a criminal. This cannot fail to awaken in your minds one of the saddest pages in Irish history—that men, notwithstanding their energy and ability, wither and fade at home, but that when they go to another land and exercise the same powers there—the self-same energies and abilities—they succeed and prosper. I am addressing men of sense—I am addressing men of intelligence, and does not that suggest to your minds that agitation was necessary to change the all-important laws in this country—the land laws? Gentlemen, early in these proceedings, I told you that I also appeared for Mr. Patrick J. Gordon. I have also to complain of the manner in which the Attorney-General referred to him. I see Mr. Gordon before me—he appears to be a gentleman of intelligence and integrity, and he was sneered at by the Attorney-General as a shoemaker. He does follow the trade of a shoemaker—he is not ashamed of it, gentlemen; but I may say that all through this case the Attorney-General has sneered at trade generally. I suppose that was prompted by the aristocratic feelings of the landlords, and yet the right honourable gentleman might have remembered that tradesmen might be as honourable and well, sometimes, or more honest than landlords. All through the case—all through his opening statement—the Attorney-General recommended Mr. Gordon to stick to his last, and what would the Attorney-General say if I should retort, did he stick to his last—count in the indictment. I would ask the Attorney-General to stick to his last—count—*ne sutor crepidam*—Mr. Molloy is a Latin scholar and he knows how to translate that—stick to your last count. Now, how stands the case since the Attorney-General abandoned that last count? The learned Attorney spent three weary days—it made, I saw, an unpleasant impression upon you—indulging in the foulest imputations upon the country—representing that outrage was rife, that blood was being spilled every day, and that a dark cloud was hovering over the heads of men. He came to his proofs, and what were they?—a lot of stolid English Gurney men and a lot of police reporters, gentlemen, of the intelligence of Constable O'Rorke. My friend, Mr. Adams, has dealt with him, and with his miraculous note book, and with patriots like Jeremiah Stringer. Why, gentlemen, Jeremiah Stringer and Mr. O'Rorke appear to me to have been the only people guilty of conspiracy at all, because they combined, confederated, and agreed to make Nally drunk at every meeting they could catch him at. I forgot, gentlemen, to tell you that my client, Mr. Boyton, is a brother of Captain Paul Boyton, and after that I think I will get on swimmingly with you. Gentlemen of the jury, my learned friend, Mr. O'Brien, in that able and eloquent speech of his—just what we should have expected from his great accomplishments and ability, and his known powers of eloquence—has spoken to you with regard to the law of conspiracy. I won't, before their learned lordships, lay down so strong a proposition as that a conspiracy cannot occur in the open day; but, gentlemen, I will say and it is apparent from the very nature of the case—from the very derivation of the words that there is a certain secrecy involved—that people go about with bated breath—that they do not advertise them-

selves before the public—that they do not do as the traversers here did, held their meetings in an office in Abbey-street—their cavern indicated by a brass-plate on the door—with the reporters from the *Express* and the reporters from the *Mail* at their council board. I submit, gentlemen, that it is absurd to contend that they would enter upon a conspiracy after that fashion. Conspiracy, as my learned leader reminds one, is derived from *spiro*, to breath—*con* and *spiro*, to breathe together. Imagine Mr. Parnell, the illustrious leader of the Irish race—imagine Mr. Parnell who was so honoured across the Atlantic that he was allowed a place on the floor of the American House of Representatives, honoured there as no man has been honoured before—imagine Mr. Parnell conspiring with Nally while Nally was drinking with Stringer and O'Rorke, or conspiring with my client, Mr. Gordon, when he spoke of that interesting military incident of the dog and the soldier with the white pair of breeches. It is positively absurd. That Mr. Parnell, a gentleman of birth, of education, and of position—a National mendicant in America, who had gone out there as a National mendicant for the purpose of alleviating what he considered to be a great and impending evil, was conspiring with Nally! Before I pass away from this celebrated defunct nineteenth count, gentlemen, I may be allowed to say that the Attorney-General having made, as I already observed, an indictment against the Irish people, and we having challenged him to the proof, should have acted otherwise than he did. We had witnesses in the Hall to prove the facts—we had witnesses in the Hall who would have brought home this slander to the Attorney-General. He knew it. We said we were entitled to have that evidence admitted. We, gentlemen, have the good fortune to be before two of the most accomplished judges, I suppose, in the world—highly constitutional judges—and they said, "Those charges have been made against you, and you are entitled to refute them"; but the Attorney-General and his colleagues—I was going to say skulked—walked out of Court to consult, and, on returning said, "I will not face the phantom I have raised—the hideous ghost of crime and outrage in Ireland caused by the laws, the bad laws of England—I won't do it—I will abandon my nineteenth count." Isn't that a plea of guilty on the part of the Attorney-General? Isn't it the Attorney-General that is being tried here, and not my clients? Yes, he has been arraigned — he has pleaded guilty. I don't know what your sentence will be.

Gentlemen of the jury, I will not go in detail through all the weary evidence in this case. You have heard it over and over again, I was going to say *ad nauseam*. I was reading the other day a speech of Mr. Bright's. He said, gentlemen, that reading the story of the history of Ireland made him feel perfectly miserable. It does the same with me. It must do the same, I think, with any true-hearted Irishman who reads that catalogue of woes. There have been forty-eight coercive Acts brought in for Ireland in what the Attorney-General calls the halcyon days of Ireland—the halcyon days of Ireland before the Land League. They were the halcyon days for the landlords, in which the landlords could tyrannize; in which they abolished everything like contract. These are what the Attorney-General calls the halcyon days. Gentlemen, I shall not allude to the millions of ejectments for non-payment of rent and on the title, which were poured, as Mr. Gladstone said, like snow-flakes on the land. I shall not allude to the clearances. These were familiar to everybody who has travelled about the country. Going through the West, myself, I have seen a great deal of them, and looking

at them I could never fail to be struck by the language which, in "The Lady of the Lake," Roderic Dhu addresses to Fitz James, when he says:—

"Saxon, from yonder mountain high,
I marked thee send delighted eye,
Far to the south and east, where lay,
Extended in succession gay,
Deep waving fields and pastures green,
With gentle slopes and groves between:
These fertile plains, that softened vale
Were once the birthright of the Gael.
The stranger came with iron hand,
And from our fathers reft the land."

That is our tale; that is our story; and that must be the impression left indelibly on the mind of any man coming to the country. "The stranger came and reft the land," and what became of the population of that country? Sent to exile or in the grave. Gentlemen, this is too sad a story to persist in. Gentlemen, I shall call your attention, very briefly indeed, to some of the passages—particularly a few passages—in the speeches of my client, Mr. Boyton. Gentlemen of the jury, it was part of the charges made against the League, that the League was in opposition to religion. Now, gentlemen, I do believe I am a true patriot, and I think that when Irish nationality and Irish patriotism and a desire for the good of Ireland acts in opposition to religion that would be the saddest and the worst day that could come for Ireland. The priests have been, and shall ever be, the true friends and the true supporters of religion and of patriotism in this country. Gentlemen, my learned leader—my respected and loved leader—said, in his speech to you, that Mr. Boyton's speeches were deeply imbued with religion. Mr. Boyton says at Cardenstown—"Every person who stands erect here to-day will scorn the foul imputations that have been made against us; but they came from our enemies. To say that we who wish to root you on the soil are about to separate the priests from the people is calumny. (Voices: 'Nothing of the kind.') There is only one answer to it, and I trust that that answer will be found on every one of your lips, and that is—it is a lie. It is a lie, for we could not separate the priests of Ireland from the people of Ireland. But to-day, thank God, we have the bishops and priests of Ireland with us. I stand here in Meath, where the bishop put forward my chief and leader and told him to 'Go on, we have faith in you.' If our cause be just it will go on; if it be wrong it will go down. I believe the cause of Ireland is a good cause. I thank you for the very kind and patient manner in which you have listened to me. It may be before this agitation is over I may meet some of ye again." Gentlemen of the jury, I shall now call your attention to a letter which shows the desperate injustice that exists between landlord and tenant. The letter was read at the meeting. Mr. Boyton continued to say—"It is expected that I shall give you a statement of the true cause that has brought us here to-day, but I think I could not do better than read you a letter I have received from a tenant of the name of James Killeen. He then read the letter, which was to the effect that the sheriff came to Killeen's house and evicted himself, his wife, and nine children, and put them out on the side of the road. The letter then gave a brief outline of how the farm was held. The old lease expired in 1874, the rent being then £64 per year. The landlord then demanded £36 per year of a rise. I offered him £15, which he refused to take. I had to submit.

I paid the rent until all wasted away." Now, that is a tale; and how many are there that have not come to light? That is the tale told by a tenant—that is the tale told; and we are spoken to by the Attorney-General, and told that this is a contract between landlord and tenant; but I think, gentlemen, having regard to the nature of land in this country, it is an impossibility. My client, Mr. Boyton, then goes on, and says, quoting the words of the eloquent and revered Archbishop of Cashel—"There can be no harm in striving to live and wishing to die in Ireland. It is neither sin nor treason to say that where a man labours he has a right to be fed, and that it is cruel to punish a man for not paying a debt which Nature has rendered it impossible for him to pay. Along with being the most generous we are the most justice-loving people in the world, and we will never seriously countenance any movement that is not based on the strictest morality." This is the foundation-stone of the League, every act of which the Crown says aims at conspiracy. Gentlemen, I could go on reading extracts of this kind. I have troubled you with very few. It is necessary for us not alone to win your sympathies, but your verdict; and I shall show you, by reading a few extracts, that the object of the League was perfectly laudable. The Attorney-General picked out a few extracts. There is nothing to show they were not concocted by Mr. Stringer. Those policemen utterly broke down on cross-examination. One young man, Matthews, I think, was his name, admitted that he took only one sentence out of ten. He was asked why he made the sentences connected, and he said in the most *naivete* way, that he thought it would look better. This is the evidence upon which this tyrannical prosecution is founded—upon which this rusty weapon is unsheathed—catching a word of Nally's here and there, so as to catch in the toils of the net the illustrious Mr. Parnell. Now, there was a meeting at Athy. A letter was read there from Mr. Redpath to the secretary of the meeting—"Above all no bloodshed." Then a resolution was proposed—"That we cannot have prosperity, contentment, and peace so long as the present land code permits cruel and unjust evictions," as in the cases recently perpetrated. This fact I want to call attention to—that Father Conway, at the Navan meeting, denounced the murder of Lord Mountmorres. The Attorney-General in his statement threw out dark hints about the cloud, hovering over a man's head, that might burst at any moment. He could only mean by that a direct charge that we incited to murder. But we were prepared to prove that at the meeting held in Clonbur the day after Lord Mountmorres's murder — the murder was denounced in the strongest possible terms. It has been the catechism of this agitation, adopted from the illustrious O'Connell, "That the man who commits a crime gives chance to the enemy." Gentlemen, the agitation was a legal and righteous agitation, and the man who commits any outrage is an enemy of our cause. I could unfold extracts I have gone to the trouble of taking out of the evidence by the dozen; but really, gentlemen, I think I shall keep my compact with you, and be very brief. Gentlemen, you have heard the cries that were so much harped upon—cries of "shoot him." But not long ago in Belfast, at the banquet there, given by honourable and educated men, such cries were used. These cries were simply the exuberance of Irish nature. It was once said, gentlemen, by a great Irish orator, who was afterwards chief in this Court, that the Irish had their faults, but that those faults were redeemed by their splendid virtues; their sympathies were true; their affections were generous; their hearts were brave. I say, gentlemen,

that the Irish people have advanced upon this agitation with enthusiasm. The Irish people have advanced on this agitation with boldness—with boldness, gentlemen. That high spirit of the Irish people has won and will win victories for them on fields of peril and of glory. I believe that that enthusiasm and that high spirit of boldness will win the victory they seek now, that is the demolition of this landlord system. That high spirit has sustained them often and often. It has lightened their load of misery. That high spirit has often sweetened the bitter cup of poverty, which millions of our countrymen were doomed to drink. Gentlemen, you shall soon be called upon to give your verdict. That verdict, gentlemen, is to be a verdict of "guilty" or "not guilty." That is the verdict you are impannelled to try. It is no other, gentlemen of the jury. I do not know if ever a jury was impannelled before who had so high a function to discharge. Gentlemen of the jury, you are here trying the innocence or guilt of a nation; for I say it fearlessly and boldly that the Irish nation is unanimous in its voice and support of this agitation. Gentlemen, I need not tell you with what interest your verdict is watched. As my learned friend, Mr. M'Laughlin, said "there is not a cottage in the country that will not ring with the shout of joy when they hear that verdict of yours." I am confident, gentlemen—I hope I am not too confident—of what your verdict shall be, "not guilty." Gentlemen, when that verdict is handed down, a ring of joy will ring through the land; it will flash across the ocean, and will reverberate in every city of that new Irish world—America—which is the outcome of those bad land laws, and your names will be handed down, gentlemen, as another link in the chain of liberty.

Mr. *Alexander Martin Sullivan*, M.P., then rose and said—May it please your lordships—gentlemen of the jury, upon me it devolves to speak the last words of this defence; and with my gifted and eloquent friend, Mr. Adams, I can truly say that I rise to occupy a brief portion of your time, not with, but against my personal choice, yielding only to the duty pressed upon me by my client and my colleagues. I appear for Mr. Patrick Egan, and of him I can but feel that he stands before you at some disadvantage to-day, in that he has confided the justification of his conduct, the vindication of his aims, his objects, his principles, to an advocate but poorly endowed for so serious a responsibility. I ask some measure of your consideration for him. I ask for myself your kindly indulgence, rising to address you at this exhaustive yet critical stage of the defence; unaccustomed to address you, now almost a stranger here. Speaking in this court to-day, I exercise for the first time, and in all human probability, for the last time in my life, the privilege which I proudly prize of belonging to the Bar of my own country. That kindly indulgence, I feel sure, gentlemen, I shall receive, not only from you, but from their lordships. I so presume, for I know that of one of them it is true to say that with him his generosity to those who need it has become a proverb in the profession; and of the other, the distinguished president of this Court, I can never forget that I have ere now, received at his hands, in a supreme moment of my life, fairness and courtesy as a judge, magnanimity as a man. Gentlemen, there has risen to many a lip, as there recurs at this moment throughout this trial to every mind, a memorable parallel for the eventful drama of which this Court for weeks past has been the theatre; our thoughts instinctively go back to that episode of nearly forty years ago, which fixed upon our city the gaze of empires, the anxieties of Christendom. In one sense it may be said that the cause and the issues are still the same—nought but the *personnel* is

charged. To-day, as then, the Irish people, represented by their most trusted leaders, stand at the bar. Once more the Law Officers of the Crown are the accusers. Again the charge is conspiracy. New faces are upon the Bench and in the jury box ; but in the theories of our law the tribunal is still the same, for in their lordships we presume to see the Queen in person deciding in this court, and in you, gentlemen, the country—mark you well, the country—is supposed to be present listening to the evidence, and by that evidence to declare the issues of innocence or guilt. But there is another sense, and a very real and important sense, in which I see, not parallel but contrast—a striking contrast between the spectacle of 1843 and the scene of 1881. Gentlemen, when I come to point that contrast I have a complaint to make, and it is this—that what I would say in all sincerity and truth of the tribunal is robbed of half its force by the language of insincerity and complaisance paraded in that time. Yielding to considerations of policy or propriety—perhaps I ought more justly to say, deferring to considerations of what was due to the dignity of a public court of justice in the abstract, men spoke of and to the jurors of that time as if any man believed them to be unprejudiced, and of the president of that court as if he was really regarded as a miracle of impartiality. The inexorable judgments of history have long since passed upon those men, one and all. We know to-day what the highest legal and constitutional authority pronounced upon the rulings and the charges of that time. We know what universal history declares of the animus of that prosecution, of the verdict of that jury. In all, or nearly all, of these respects, I say, in the sincerity of my soul, that I believe the State trials of to-day are destined to present a luminous contrast with the miserable exhibition of partizanship, passion, and subserviency. Gentlemen of the jury, I said that you sat in that box as the country. I think it was the learned Attorney-General who remarked that my distinguished leader in this case went back as far as Magna Charta—the Barons and King John. That is one of the artifices of debate or contention in a case like this, yet most relevant, most necessary, it may be to connect the past often with the present, and to show how, down through the stream of history, great rights have come, and duties have accrued to men like you. He referred to a clause in the great charter, not for the purpose of distracting your mind by retrospect of history, but of enforcing the Constitutional argument that to jurors belong rights, privileges, duties, which no power in the land, no judge howsoever illustrious, no monarch, however powerful, can ever take away—the right to judge of innocence or guilt in criminal cases, but especially between the subject and the Crown. Gentlemen, this is a composite tribunal. You sit in that box, their lordships preside upon the bench, and yet if any man were asked in all broad Britain, or here in Ireland, by an inquiring foreigner in what consisted the pre-eminent glory of our jurisprudence, he would be answered, "Trial by jury." By jury! would not the man be laughed to scorn who called it trial by judge? and yet the judge is a necessary part of the tribunal. Why has national history and political instinct in a free people fastened upon the phrase "Trial by jury" rather than "trial by judge" or "trial by judge and jury." Gentlemen, it is because that, in the wisdom which has shaped the developments of legal institutions in these countries, it has been not only deemed most wise but found most necessary to commit to twelve men in a box, rather than to twelve judges on the Bench, issues that require breadth of view and comprehension of popular instinct; and because the English people know that, although many glories surround the names of

their judges, and will ever attach to the Bench of justice, yet the English people know, and have been made to feel, that in the hours of their agony, in struggling against oppression from the Crown, they leaned upon a broken reed when they depended for the protection of liberty upon the judge ; and in the juries in the box, in the reigns of the Stuarts and the Hanoverian line, ever since the Revolution, liberty has found its truest bulwark. Gentlemen, I speak not to disparage the rights, the functions, that are committed to the Bench ; and in the day when juries attempt to invade the domain that belongs to their lordships, justice will be wrecked, though passion or faction may triumph for the hour. It is in the just and due observance by each portion of this tribunal of its own just rights that the ends of equity as well as of law and public justice can best be attained. But, gentlemen, there are two subjects pre-eminent amongst all the subjects that devolve upon jurors. Of all the questions and the issues that need their especial vigilance and care there are, pre-eminently, two in which it behoves twelve jurors to grasp firmly their rights and part with them only with their lives. Those two questions are—political sedition, political conspiracy. Gentlemen, there are reasons why these two questions should belong especially to the jealous care of jurors. Firstly, because these matters of political sedition, these charges of political conspiracy, arise in conflict between the Crown and the people. Secondly, because they are questions touching matters vague, indefinite—matters of opinion ; because they require to be viewed in conjunction with the surrounding circumstances of the times. You cannot draw the line ; it has never yet been drawn ; it can be drawn by no hard rule ; it must always depend upon the elastic judgment of a jury to draw the line between the patriot's duty and the language of the seditionist. There have been moments in the history of this Empire when that which technically might be ruled seditious saved the commonwealth and protected the liberties of the land. There is a third reason why you need to keep within your own power these great issues in political conspiracy. It is because these conflicts and these accusations are often the resorts of Governments whose very conduct, whose very crime, whose misfaisance of all duty may have provoked the action which they seek to fasten on the men they charge. Sedition ! There exists not to-day in our land, nor in Great Britain, a public man of any eminence who, when stirred by righteous feeling, denouncing some public indignity or wrong—I speak in the broadest spirit of all public men, whatever party they may claim—not one of them against whom an indictment for sedition might not be laid, and if jurors were to apply the law in all its rigid technicality they would be bound to convict for such a crime as sedition. And is that conspiracy ? Conspiracy—the last resort of imbecile power—whenever no juror could be persuaded to pronounce a verdict upon sedition. You will always find some feeble hand to weave the net of conspiracy, to catch a sentence. But there is this distinction between sedition and conspiracy—that in a charge of sedition if men have used seditious language each man must answer for himself, but in a conspiracy, the messenger of God's goodness, four thousand miles beyond the ocean may be held accountable for the raving of some honest-hearted village patriot at home. So odious to an honourable mind is this miserable resort of conspiracy that the military law—the military law in this respect more severe than the civil—has repudiated it and condemned it. Lord Woodhouselee, in his text book on military law, quotes a remarkable letter from a King—through his Secretary of

State—reproving in angry language from the Royal lips the officers of a court martial in Edinburgh, who stored up offences against men, and not dealing with them as they arose—who kept them by for several months, and at last brought the culprit to the bar; but the king, through his Secretary of State, declared that this was an outrage on justice, and that the ministers and the officials who saw the crime, if it was a crime, passing before their eyes and stored it up for some treacherous use at a future moment, deserved the censure of the king. Yet this is the resort of an Irish Attorney-General of to-day. Conspiracy—you know what evil deeds it has already done in this fair land of ours. Why, it was found potential to convict a man who was held up to us as an example of legality and respect for law in the course of this trial. Yet, gentlemen of the jury, you all know that if ever there arose a public man in Ireland whose holy purpose, whose set endeavour had been to keep the people within the law, it was O'Connell. He carried the language of scrupulous reverence for the Crown and the tribunals of justice almost to exaggeration. Sleeping and waking his anxiety was to teach the people that within the law and with reverence for the law, right might be done. Yet even that man was a victim to this miserable resort of conspiracy, and it was potential to strike him down, by the co-operation of jurors who had been seduced from a sense of duty in response to the appeals that never should have been addressed to them. And, gentlemen, every beneficent agitation that has protected your industries and secured your homes, the franchise which you enjoy—and I see before me merchants of this city of high position—you have no right, you have no possession, or property, or political endowment that has not been won for you by agitations that might have been crushed by prosecution for conspiracy. You may hear when I have done that it is right to agitate, but then you must agitate with propriety and decorum. Your language must not exceed certain bounds, and your conduct must be regulated by prim propriety. Yes, that is true; and it is right that you should be so told by whomsoever will state to you the strict letter of the law. But we know, and jurors are bound to take into their minds this constitutional truth—that it is impossible in a free country to conduct agitations that are directed to save a nation's life by the prim and strict rules of drawing-room decorum or the propriety of language that ought to prevail in a court of justice. No. You would have no rights. I would have no rights if this cast-iron rule of prim propriety of act and language were to be held against the Hampdens of a hundred years ago, or against the Egans and Parnells and Sheridans of to-day. I care not how humble the man, or how lofty. Lords laid their heads on the block for liberty in England; peasants, animated by the same spirit, strove for it at home. This hateful doctrine of conspiracy that the Crown lawyers applied in the reign of Charles is the same as the Crown lawyers seek to apply to-day—hoary and ensanguined as it is by a thousand crimes—they seek to employ it in the reign of Victoria. I say that doctrine would be fatal to all we prize in public life. Now, gentlemen, the English people possess many inestimable blessings of liberty. They have the reality—a free Constitution—the envy of the world. It is the miserable parody that is sometimes seen on the Irish shore, and yet how have the people acted? As I shall show you presently with naught like the provocation and incitement that the defendants had here to-day. You have been referred to the history of the great Reform movement some fifty years ago. Was language of prim propriety or conduct of decorous legality pursued then by Lord John

Russell, one of the leaders of that agitation? No. Were acts of violence unknown?—Bah. Why, never in Ireland, never in the tithe war with its terrible tale of Carrickshock, much less in this most moderate and restrained agitation to-day, has there been anything to equal the records of the history of the Reform agitation of 1831 and 1832—palaces blazed, the King was hooted in the streets, resolutions were passed. Ah! not even Mr. Nally's extravagant language could approach them. Yes, within sight of the Parliament houses at Westminster thousands of English citizens passed a resolution so extravagant as this—"That for the tyrants who denied them justice they would prepare their powder and melt their lead." Isn't it notorious that the Common Council of the city of London—the municipal parliament of the British metropolis—passed a resolution calling on the people's representatives to give the King no taxes until the Reform Bill was put through. Think of these things, gentlemen. And what did these men strive for? A political right—a political right. It was not to keep the wolf of hunger from their homes. They were prospering in trade. It was not to save human life. No. It was in order that parties in the State might honestly prevail according to their strength in the population. Compare, I adjure you, the motives and the incentives for that agitation—that almost culminated in a civil war—with the causes that underlie this Land League agitation of to-day, and say in the eye of man, or in the eye of God, can these things be compared for a moment? And yet no officer of the Crown attempted to prosecute Lord John Russell or Lord Grey, the leaders of that movement for reform, and why? If they had been prosecuted, their lordships on the bench would have been bound to tell the jury that these men had offended against the law, and I say it fearlessly here on my own responsibility, as an humble member of the bar, that by the strict and technical holding of this hateful doctrine of conspiracy, Lord John Russell—a Minister of the Crown a year or two afterwards—might have been convicted on the decision of the judges for conspiracy; but he was not tried, and I will tell you why. Because right well the Attorney-General of the day, who hated the leaders of the Reform movement—right well he knew that twelve honest Englishmen, no matter how strongly different in politics or religion, they would be undivided, and would have answered back to that prosecution—"These men have erred in the heat of language and with violence of speech; they are the victims of misgovernment. The true culprits sit in the Cabinet of the Crown." That's what, I say, their answer would have been. Gentlemen, there is a violence that all juries must honestly by their exertions be ever ready to put down. They must discriminate between the passions of a faction and the movements of a nation. Gentlemen, if you have travelled, any of you, as I have sometimes done, in the forests of America, or ever passed through the indigenous woods of our own beautiful Killarney or Glengariffe, there you may see where vast masses of rock have been rent asunder by the development of a simple ivy root—a little seedling that fell into the fissure of the rock. You might have crushed it with your finger as it grew. Yet by the development of years it rent asunder a mass that a giant could not cleave. That was the force of natural law; it was the law of nature, as is the violence of some of these movements, when rending apart some wrong that tends to cramp the progress and development of a nation. Now, gentlemen of the jury, what has incited these men to the course which has brought them before this court to-day? I said that I charged, and I shall make it good, that my client here to-day—my clients, if I may say it—are the

wrong men at the bar; that the true culprits sit around the Council board in Downing-street. Nations, Governments, have their duties as well as their rights. Although no Cabinet—no Government—can in its individuality be held accountable for the wrongs that reach through distant years, yet if Governments fail in their first obligation of duty to the people over whom they are set—if the failure is not the failure of a moment, which might be excused by preoccupation—if it is a failure that can be traced from year to year and from year to year; and if upon that Government—I speak not of a particular Administration, but of a Government in its continuity—if upon that Government you can fasten knowledge—official knowledge—of misery beyond human endurance, accruing from wrongs within their power to reach. I say that Government has committed the deepest and darkest crime that any Government in history has ever committed if they abandon the people to despair; if they spurn their people from the portals of the Legislature for sixty-eight long miserable years. If I fasten upon them official knowledge of this state of things I shall ask you to enter your verdict—whatever its technical effect may be—I shall ask it as a verdict of acquittal for my clients and condemnation of their accusers. Gentlemen, what is it these men have been engaged in? A land agitation—a land war. In all countries this land question has been the cause of embitterment and strife between classes. I shall not go back upon Irish history. I am afraid the very mention of such a thing would cause you at this stage of the case to shudder. I shall only ask you to take note of a historical fact—the fact that the land system against which these men have agitated was established in the last century. There have been confiscations — conquests and confiscation in every country. There have been conquest and confiscation here, and, Heaven knows, criminal should I esteem it if I were to seek to rake up by-gone history—to embitter feelings because there was conquest and confiscation here in Ireland, as there have been in France, in Italy, in England, and in every country of Christendom. But, gentlemen of the jury, there is this distinction between the case of Ireland, as regards confiscation and conquest, and all the other countries of Europe. In all these countries the conqueror and the conquered soon learned to fuse. In these countries what had been done by confiscation was soon obliterated in the memory of the people, because the new masters of the land assimilated with the people round about them. In fact, gentlemen, it seems to be a natural law that though men may come upon the land—and it is the course of history, and we could not complain of it here, if it were only as it is all the world over—it seems a sort of natural law that when men come upon the land and confiscate it, and drive out the previous owners, that, at all events, they shall assimilate or die—that if such a class came into any land from the Vistula down to the Tiber, from the Danube to the Shannon—if such a class came on the people two or three hundred years ago, sullenly refusing to become part of the population of the nation round about them; if they persisted in remaining isolated, a foreign and unassimilated class in the midst of a living community, like the arrow head buried in the flesh of the human body, that class will be for ever a festering sore—a wound which will kill the body if it be not swept away. Gentlemen, I only refer to the existence of the Penal Laws as regards the property of the last century. To establish this fact, that the land system under which we are now living was founded in the last century by these acts, and unhappily the elements of strife have been kept alive—the wound has never been healed—so vitally have the

landlord class in Ireland hugged the traditions of their original settlement here, so continuously have they looked on the conquered as a prostrate race, that it is the simple truth to say that Cromwell lives to-day in the land system of the Irish people. Now, gentlemen, what has been its products? Misery—declared to Parliament; not hidden from the rulers of the land, for I could not hold them accountable with the deep sense I do if they were unaware of this condition of things. Misery—intolerable misery and suffering unequalled in any other country in Europe prevailed here. What effort did they ever make to benefit it. They were, alas! the lords and masters. As clay in the potter's hand, was this land given over to the landlord class. They might have made it what they pleased—they might, alas! and they alone; they sat in the Grand Jury room, and they alone; they sat on the Petty Sessions bench and administered—they alone—the laws they alone had made. Whatever Ireland is to-day, culpable or liable to accusation, I lay at the door of this long dominant legislating ruling class! Whatever of virtue, of common humanity remains, is in despite of the brutalising code which these men in the days of their power planted in our country, and when the century opened, and the Parliament of England was charged with the duty of preventing crimes, and saving society in this land, what is the record? Gentlemen, no people have a right to conspire against their Government if they have not afforded that Government a fair and honest chance of doing its duty by them. In 1819 a Select Committee of the House of Commons was appointed to inquire into the condition of Ireland, and that Committee took official evidence, and reported, in a report that lies in the Library of the House of Commons, that the state of things was calamitous to the last degree, and called for immediate legislation. What was done? Nothing—nothing! Four years passed by until 1823—I seek to fasten knowledge, official knowledge, on the Government, and I say it in the sense of its continuity, of this state of things which in other countries has led to revolution. In 1823 another Committee was appointed, and it shows the condition of the people as wretched and calamitous in the last degree—the people living in a state of the utmost destitution, with scarcely an article of furniture in their miserable cabins, using as a bed covering a little fern and a quantity of straw thrown over it. In 1879 Mr. Gladstone, the Minister of to-day, thinks that such a state of things was sufficient to unfit the Porte from governing Bulgaria. Nothing was done—nothing was done! A few years passed by, and in 1825 another crisis arose, and, mark you, another Select Committee was appointed. Talk of the murderous parent, that when his child cries for bread, will offer him a stone—whenever these people were appealed to they would not legislate. They mocked the cries of God's poor, by their mockery of a Select Committee, to tell them the story they knew so well before. In 1829 again the condition of Ireland is brought before the Legislature. What do you think? It was referred to a fourth Select Committee—it is always a committee, it never is redress. The Committee reports and says they declare unanimously they have come to the conclusion that the subject calls for immediate legislation; yet, owing to the state of business in the House, there is no chance of getting a bill through. Gentlemen, through these long years it was not for votes or the franchise the people were waiting on the reformers of 1831 and 1832, but leave to live—for the conditions of human existence. In 1830 another Committee makes their report on the 18th July, and it was laid on the table—that Government, whose benevolent good wishes would have allowed

the Irish people to fester in discontent, to lead them into a barbarous rebellion, knowing that if they rebelled the strong power of the British Crown would be able to trample it down in blood. Is that criminal—aye—is this malfaisance of our Government or is it not? Mr. Stanley, afterwards Lord Derby, speaking of the plaints of the people, and writing from the same Connemara, from the same County Galway, the scene of the birth of the Land League of 1880—Lord Derby says: "Severe as are the sufferings of these people in the extremity of their distress, there has not been one syllable of insubordination," not one syllable, "or even of discontent," and for this reason, he urges, they are people deserving of the attention of the Parliament. —"Not a syllable of insubordination—not even of discontent." And what did they fare the better for it? I believe in my soul that instead of lying down in such tranquil peace and contentment with all their misery, if they had had men like the Land Leaguers of to-day to lead them, our country would not be afflicted by the passions and sufferings of this dreary interval. On the 21st July, 1834, another effort is made, but all in vain. A few years after and Sharman Crawford—name of honour—appears on the scene. He was a Protestant gentleman from the North of Ireland, and perhaps, gentlemen, I may be excused if I were here to repeat what I have often said elsewhere, that I often think Almighty God has given it, as a rainbow set in the stormy skies of Ireland to heal our religious feuds, that whenever Ireland was down and prostrate, there was found a Protestant son—a Protestant patriot to lead her on. Sharman Crawford—name of honour—was that man in that hour. From 1834 to 1847 he strove,—no less than six times he brought measures into Parliament; and, mark you, gentlemen, what were they? They were measures that fall far short of whatever the landlords now propose. I have beneath my hand the list of the divisions in the House of Commons of that hour, and I can show you how the members voted on that occasion, and I state the fact that the landlords and their representatives sprang forward to resist the blessed effort of the kind-hearted Protestant gentleman. The division lists, which are full of the Irish landlords' names, showed that they resisted justice then as they resist it to-day—that the landlord class has resisted justice to the poor down-trodden peasant. Gentlemen, time passed on, and again the gloom and shadow of a terrible visitation fell on our land. In 1845 and in the beginning of 1846, in the midst of these vain pleadings, in the midst of this long continuous story of plaint and petition, cry for mercy and protection, the gloom of a deeper shadow fell upon our land. Who first realized it? Gentlemen, in other countries, and would it were so in our own—the gentry class discharge noble functions, in social and in public life they are the natural leaders of the people, qualified by education, fortune, position and opportunity. They might have been so here. They would have found in the kindly Celtic peasantry of Ireland a people disposed to reverence and love social position when allied to virtue and worth. All over the world, the first to scent danger to the people, the first to meet it. When the gloom of that terrible famine darkened our shore, what did they do? No, not even—shall I say a word that would be unjust of the landlords of Ireland as a class? So many of them nobly did their duty when the disaster was at its full, that I shall never say more than that too many of them were false to their duty. The popular leaders of the hour, as in 1880, cry out that famine was coming on the land. That was public history. They were encountered by incredulity, they were scoffed at, their story was called exaggeration. An English member of Parliament whom we see every

day resisting and denouncing the Land League, made a public speech in 1847, and called the warnings of famine the language of panic mongers, there was no famine coming on the land. Ay, gentlemen, there was famine near. That sort of instinct which even the lower animals have, that tell them the hunter is on their track, told the peasantry of our western counties that the hour of their doom was near; and when at last the story was beyond contradiction, and the last meal was gone from many a home, the Government appointed inspectors to inquire. Ay, when the reports came in it was too late, for the measures that were taken in precipitancy. When too late to avert what we all knew was coming on, the Government inquired when they should have acted. When they acted they only plunged our country into the demoralization of profligate expenditure without result. Oh, gentlemen, I must pass over this portion of my statement, for I saw those scenes. The answer to us all was that destitution could not be extreme because the workhouses had room for more. Yes, the workhouses were empty while the people were dying by the ditch and roadside. Why was this? It brings me to a fact for which I challenge the records of Europe. Let the Pashas of Turkey study the story well. It will show you that even a kindly-hearted man—an Irish landlord—when he comes to act as a member of a system may fall into conduct of murderous result. In the Irish Poor Law—moulded, framed, and passed by Irish landlords—there was a clause called the "Quarter-acre clause," whereby no man who held a homestead with more than a quarter of an acre of land should receive relief. Our people did not fill the workhouse—God bless them—for the noble reason that I ask you, gentlemen, though they perished for it, to honor with a sympathetic thought: because going into the workhouse meant the destruction of the little home, and the destruction of all future industry or effort on their part. Once a man who held an acre, or even half an acre or land, locked the cabin door, and saw the portals of the workhouse, he might have seen, in the words of the great Italian poet—

"Abandon hope all you who enter here."

For that home he never was again to see. The landlord came. I appeal for the evidence of this to a public statute of which his lordship has kindly told us to facilitate our fair defence he would take judicial notice. A public statute was passed for this reason—that the landlord, watching like the wolf for his prey, no sooner saw the fainting, staggering form of the tenant pass outside the bourne of his little hut to seek for food from the relieving officer or from the porter at the workhouse gate, than down came the crowbar and levelled his home, and that home he never saw again—perpetual and eternal pauperism—the class that if that had been arrested in that moment of extremity might at a future day be the strength and hope of our land was crushed for ever, a perpetual charge on the rates of the people surviving. A perpetual charge! Oh no, for the angel of death was doing its work in the crowded fever sheds of those workhouses. I saw some of the scenes at the boardroom door where the little family broke up never to meet again. Each father knew that when the rules of discipline parted him from the little girl and from his wife that some day, perhaps a fortnight thence, he would hear in a causal way that amongst the last cartload of unpainted coffins that left the gate his little Eily or Mary was amongst them. They shrank from the ordeal, and the workhouses were not full. I, in my own parish, saw the coffin, and the little ones

with cups begging for a penny subscription to pay the bearers who put into one vast pit two hundred and eighty uncoffined corpses. These scenes passed over our land. I cannot afford to treat of them; but, O Spirit of Mercy and Justice! it was at a moment so terrible as this that even the Parliament of England had to step in and arrest the hand of brutal landlordism, that came to evict the starving tenant when the sun had set and the moon was in the sky. That Parliament, you may trust, it was not too ready to interfere—the record I quote for you here will tell you that—yet it had to interfere, and to enact what? That the anniversary of the birth of our Saviour in the crib at Bethlehem should at all events be sacred from the rapacity of Irish landlordism. That Good Friday, the day made holy for ever by the death-agony of the Redeemer, should not be a day, as it had been made—for the Parliament did not legislate for a fanciful imagination—that on that day the destroyer should hold his hand. Oh! if Irish landlordism had only that black record against it, I say fearlessly that from the days of Timour the Tartar down to our own, no blacker or bloodier record of guilt was ever known than that the Parliament of England had to pass—in the midst of the scenes alluded to—had to pass that statute which, for the sake of our common humanity, I would now efface. Gentlemen, the famine passed away, and with the famine passed, what did we see? What did we hear? Screams of exultation! The famine was pronounced a blessing sent by God. Oh blasphemy! Sent by Heaven to clear off a redundant population; and now, according to Lord Carlisle, "Ireland was to be a land of bullock ranges and sheep walks, the fruitful mother of flocks and herds." Gentlemen, in that moment of danger, in that hour arose an effort—one of the best and noblest our country ever saw—when Ulster joined hands with Munster, Catholic, Protestant, Presbyterian, priest, and minister, in the Tenant League. They thought to renew the appeal to Parliament, thought that a Parliament, though it had been deaf as stone a century before, would, at last, discharge what I again call the first duty of Government, without which I deny its right to any title that Government ever had. There came to Parliament good men and brave men. For four or five years they toiled in vain. The Minister of the Crown had no ear for the complaint of the sufferings of the people, and the Tenant League was broken up by causes which I will not relate. I justly believe that in moments of despair people cannot judge those around them—time must pass before the blame can be fairly apportioned amongst those accountable for its cause. Some of them are passed away, others of them—honest and sincere I doubt not—withdrew in sorrow, deserting a movement which they saw was no more. Some with broken hearts went into the grave, some went into foreign lands, and showed that there the genius of an Irishman on a fair field could make itself a road to fame. And then the *Saturday Review*, and that Press of London which has hounded on this prosecution, screamed aloud and said, "Oh, oh, at last Ireland is our own, the Celt will be as rare on the banks of the Shannon as the Pawnee or the Red Indian on the shores of the Hudson," And so, on the departing people — as the emigrant ships floated, choked with the flying victims—there was hurled upon their path the scoff, jeer, and laugh of execration of those who triumphed in their fall; and then there was peace, tranquility, absence of agitation that one would think would have gladdened the heart of an Irish Attorney-General. They made a solitude, and they called it peace. They had that peace which was the absence of

open, honest, angry, if you will, political agitation like this. But what was going on? The people driven from the public arena took what I called then, at the risk of misunderstanding from my countrymen whom I love, I called it then, as I call it now, the politics of despair. They conspired then; ay, not in the technical language of the law, but in the daring of men who had cast their lives upon an effort—hopeless I thought, but at all events devoted on their part—to have an end of this terrible system. Driven from honest open politics the people took to a course of conspiracy and insurrection, and you saw, as I saw, the panorama of the trials of '98 pass in ghastly review before our eyes at Green-street, and the convict ship, or at all events the convict dock, and the cell choked again with men, I fearlessly say—whatever their guilt before the law—showed themselves in that terrible hour animated by a spirit as pure as ever animated a Sydney, a Hampden, a Tell, or a Hauffman on the Tyrol. I state upon this fact the justification of the Land League—that to awaken, or stir, or move the fatal torpor of English public opinion with reference to our country, we require not merely the ordered movement of theoretical public life, but something like a public convulsion. Never yet, never was a benefit conferred upon Ireland by the prim and ordinary movements of public life. "Catholic Emancipation"—Wellington said—"We were on the verge of civil war." And so this terrible time of sacrifice and insurrection awakened the English mind to its complaint that something was wrong. Something was wrong—wrong. Why, all society need to be instructed in this desolate isle. Something wrong; and so Mr. Gladstone at last passed a Land Act, as good—as good—as the public opinion of the moment—in my belief I state it—warranted him in attempting to pass—yet ineffectual, and too poor for the magnitude of the evil it sought to remedy. The people who trusted to it when passed, found as to this Act that they were on treacherous ground? It did not avert evictions. It did not avert the landlord's cupidity—it gave the tenant the right to a lawsuit—to a lawsuit. Too many of my countrymen talk of the Land Act as if it gave the tenant compensation when turned out. No, gentlemen, it gave a beggared man, cast out by a tyrant landlord, a right to litigate with his wealthy oppressor in the law courts of the land. Far be it from me, an humble member of the legal profession, to scoff at the resources of litigation; but when it is litigation with a shallow purse against one well filled, we know it's "a mockery, a delusion, and a snare." And that is the sort of protection which the Land Act has been to so many tenant farmers of Ireland. Yet even the measure of justice that it brought was gratefully hailed by the people, and no word shall fall from me to disparage the effort in its intention, or even, indeed, in the measure of its accomplishment. But it was no sooner passed than the tenants realised it was insufficient for them. The good prices from 1870 to 1875 and 1876 did something to cause the people to tolerate the state of things that existed. But how did the landlordism of Ireland act even then? Gentlemen, in every public battle, whether between man and man or class and class, Heaven sends moments when reconciliation is possible. It is well for humanity that it should be so. The human heart has in it still the promptings of a noble nature, and there is no feud so bitter but that at some opportunity it might not be closed; and if even in 1870 Irish landlordism, with all its black record behind, had closed upon this movement in a generous spirit and said—"Come, let the dead past bury its dead," there might have been an end to this old centennial feud. How did Irish landlordism act?

The ingenuity of lawyers of eminence was invoked by the Lord Leitrims and the Lord Liffords—the Duke of Leinsters of the time—to devise leases that might deprive the tenants of Ireland of the benefits intended for them by the Government and the Legislature. Aye, not even at the twelfth hour would these men rush forward to seek to bury in kindliness and good will, with a grasp of the hand, this long record; and so from 1870 to 1880 there were introduced into the House of Commons, gentlemen of the jury, eight and twenty public measures for the reform and amendment of the insufficient though well-intended Land Act of 1870. Who introduced them? Were they all mild Home Rulers? Oh, no! Were they all Liberals? No. I will not make a speech here of a party man—the subject is too solemn for that—and even if I were not here, justice is the right of all men; the line of right does not begin and end with me. My honourable opponents in public life, Conservatives as well as Liberals in the House of Commons, did their share in those efforts for the last ten years to amend the land laws. How these efforts were met let the statute book, let the order book of the House of Commons tell. Shall I say that they were spurned? I should be within the truth if I were to say that they were answered with scoffs and jeers and taunts? And what was the taunt? The taunt was this—that there was no demand in Ireland, no necessity, no public exigency; we can wait. Do you know what that means? Because there was no public agitation. We were spurned from the door of the Legislature, because we were too calm in Ireland. We are prosecuted in the Queen's Bench to-day, because righteous wrath has overcome all human forbearance. Spurned again from the door of the Legislature, every effort of good men of all parties and all creeds has been in vain. And again, in 1878 or 1879, history repeats itself. The day-gleam of prosperity for the Irish husbandman has faded into gloom, and men could see, if they wished to see, that again the wolf was on the path, and was about to threaten the poor man's door. Who first called attention to the approaching famine in 1879? Again I ask you, as in 1847, was it from Irish landlordism that a shout of danger and warning came forth? No, no. The instinct of selfishness at every moment of calamity made them—not reach out the hand of succour to God's poor—but to clutch from their pocket, and to call out, like Shylock, "It is my bond, it is my bond." Who called? Who shouted in the Legislature? Charles Stewart Parnell. The men who are dragged here to-day to be sacrificed for a public virtue—they called out. I refer you to the debate that took place—I mean over the Whitsuntide recess in 1879. I will make no personal reference—it would be in the worst of good taste—but I say it is a matter of notoriety these men implored the Government to be awake—that famine was at hand—it was to be seen in the harvest then growing. How were they received? Again, they were laughed to scorn; again, they were charged with exaggeration for the purpose of putting Her Majesty's Government into embarrassment. "All seems yellow to the jaundiced eye," and the placemen can never credit an opponent with a nobler motive than party expediency or self-interest; yet these men acted from honourable motives; and when, in the Autumn, the fact of famine being at hand was too notorious to be denied, what did the Government? They sent Poor-Law Inspectors to inquire—to inquire! It was '47 all over, these men saw it all, they saw the ghastly parallel, they did not read history in vain, and well they knew that unless they did more than the men in '47, that the fate of '47 was again to desolate our land. It was in that hour that those men sprung into action. What was their first act? They formed the Land League. Mark you, what

is the information before you? What is its story, and their career? Where is the marvellous plot? Where is that marvellous document with its eighteen counts? In the first count of that document they were "evil disposed persons"—evil disposed; that is the accusation, with mind of guilt, they went into some conspirator's meeting-place and combined to commit a crime.

What did they want to do, gentlemen of the jury? They sought what was at hand. Some of them are charged here, forsooth, that they were too young to have seen the scenes of 1847—that they could not have animated them because they were not born. Do the prosecutors here not know that the memory of wrong, of suffering, of vengeance, which may be handed down from father to child, accumulates rather than loses with time, and that the greatest peril England has to fear to-day is not from the emigrant Irishmen whom misgovernment has swept across the sea, but from the second generation, born on foreign soil, who have learned from their fathers the story of Ireland's wrong. And so my young friend, Mr. Brennan, and so all his compatriots, who, if too young to have known of the famine scenes, had seen the famine graves, and so they knew of its story; and the first act of the Land League was to determine that human life must be preserved. And they looked across the Continent of Europe with burning memories of what had happened here at home, and they saw that the agricultural husbandman in no other land was periodically slaughtered by these famine visitations. They saw that in the fair lands of the Rhine and in gallant France long ago the land system might have been admirable in its way—it might have been admirable in its day—but it was unsuited to the wants of modern society and the progress of civilization. They saw that there the tiller of the soil was lord of his little patrimony, and they were filled with the purpose—just, holy, wise—of winning for the Connemara peasant that which had made contented, frugal, thrifty, loyal, the German and the Frenchman. The human life must first be saved; and so, at one of their earliest meetings, they called on their President to proceed to America to raise aid and succour for this movement of theirs here at home. What was that? He crossed the sea, with another of the defendants, and traversed some twenty-eight States of the American Union. Was it on purposes of guilt? Was it for personal greed? Was it—as the hateful slanders of the London Press would have it—to make money as a venal agitator? No, no. Ay, gentlemen, not to shine as an orator; but picture to yourself that scene. The grandson of an illustrious Irish Protestant patriot—the youth barely home, I may say, from the halls of an English university—that proud young man—takes literally, not figuratively, his hat in his hand, and he marches through the ten thousands of the audience, and he begs an alms for a suffering humanity. Roused by this example of the Land League—for they were the first—other noble, other kindly-hearted organizations arose; let no difference of opinion ever mar the just meed of praise to that noble woman—we bless her all the more because it was the act of a woman—the wife of the late Viceroy—the Duchess of Marlborough. She did noble and well. Better still did your own chief magistrate, and you, the citizens of Dublin. There was seen at that board that revered and distinguished prelate of the Protestant Church—the Most Rev. Dr. Trench, a man of European fame as a scholar—he sat at that board and did his share of the toil, and labouring with the Catholic Lord Mayor of your city—a man never absent—never—when good was to be done in Ireland. God bless them, there were the Society of Friends. I have a remembrance of their charity and munificence in 1847, and if ever it was

ready to well up, it was ready to well up then. Home came Parnell from America, a victor in the cause of charity, and now what was the task before him. Shall this visit to the nations of the world become periodic? The Turk had given us his alms—the Indian Prince, the Mahommedan, the Hindoo, dropped his munificent contribution to the alms-box for Ireland. But have we no pride—no pride or manhood—to make us recoil from this thing becoming perpetual? Was it not a most supreme act of benevolence to try to arrest the system which had made these things periodical visitations in Ireland, and in Ireland alone? And so it was said—"We shall make an end of Irish landlordism." No, of Irish landlords, says the Attorney-General, as if when he and his political chief were a few years ago, "conspiring, confederating, and combining" to make an end of State Churchism—they intended to destroy and massacre all State Churchmen! He pretended to see no difference here, but he knows the difference very well—the difference between assailing a system and the individuals who compose it. So they girded themselves up for the struggle. Who were they? I have spoken little of the men. Here they stand to-day brought to trial in an atmosphere, I had almost said of, calumny. No, not of calumny, for the shafts that had been aimed at them have fallen short. But you know, gentlemen of the jury, that the Crown lay by for months while public journals in the city and elsewhere were, as they thought, educating the juror mind to a proper pitch of prejudice and passion, and for that purpose the trial was delayed until the moment when it could strike, when the beastly caricatures of the landlord press had sufficiently made the name of Irishmen odious and detestable, and when the broadsheets of prejudice had gone to every home, it was hoped to poison the minds of men who yet might be called on to sit in that box. And on these sheets what was the picture drawn of these men—that they were wicked incendiaries and communists. Even in this court the prosecutor—to whom I pay the homage of my respect, however I cannot praise, but I know the contrast the conduct this prosecution presents to others that went before it, but still he made these charges. And look at these men. Is Charles Stewart Parnell a venal agitator? What have these men put into their pockets? Why, look at the humblest of them. That man was almost sneered at because he plies his honest trade in a Western town. It came out on the evidence, I believe, that he pays out of his own slender—too slender purse—his travelling expenses, being no paid agent, nor even, I believe, a member of the Land League at all. The charge—and I hope the Attorney-General, who has left it rankling, perhaps, in some minds, will have the honesty to withdraw what he was not able to prove, because it was false that either Nally or this man were members of the Land League at all, much less their paid agents. My client, Patrick Egan, in whom I see not only a client but proudly claim a friend of many a long year—that friend for whom I would cross not merely sixty miles of sea, but speed from the other end of the world were he in peril, to give him my advocacy and aid. I have known him long. Is he a venal agitator? What has he given up, what has he done in this noble work of benevolence and patriotism? Providence has given to him all that makes life happy on this side the grave—a wife whom he loves, children who await his footfall in the hall. I have known him long, but little as he moved in the outer scenes of public life, he is well known in every organization in this city, whether at Christmas or in winter depth—for the alleviation of the sufferings of the poor—unseen, and courting no notoriety. And knowing my friend as I do I should have called him false to all his career and the principles of his blameless life if the efforts of the Land

League found him absent from its ranks. These are the men whom you are asked to convict as criminals to-day. They have gathered the alms of the world; and now were those alms to pass into the landlord's pocket as rent? As rent—it is no imaginative case. It is a public fact, well known, that in may cases the alms given from the charities of these societies in Dublin were appropriated or donated as rent. Long, long had these impossible rents been paid, not out of the industry of the land. Long had these impossible rents been paid, not by anything that the landlord had a moral right to tax, but by the remittances of the child, the son or the daughter, in America. Long had these impossible rents beyond the Shannon been paid by the supreme industry of those Western harvestmen, defamed and libelled as indolent and lazy. And, oh, gentlemen, at what a price how often was that rent won by them. Not a coasting steamer crossing to Liverpool, or from Sligo, or Cork, or Drogheda, or Dublin, comes to disaster in the autumn or summer time that some of those poor Connaught harvestmen are not sent to their doom in their effort to wring, by earning in a foreign land, the impossible rent for the Western landlord. No, not a railway disaster in the sister isle at some seasons of the year, in its tale of suffering and death, that these humble, frieze-coated men have not a place. I cannot present to you—for I respect too sincerely and well an indication from the bench—I will present to you, not as a fact of history, lest I might not be allowed, any individual case in illustration, although many times I have been touched, as doubtless you have been, in reading some of those episodes. I can only present, as an illustration of my argument, a fact which I present, as it were my own imagination, of the fate of some of these poor Connaught harvestmen in these English railway slaughters. And I ask you to picture one of them lifted from the wreck of the train, mangled and bleeding, while in his pocket is found the letter that tells the story of his life—that he had left in distant Mayo a wife and four little children, and came a second time that year to England to earn another £12 for an additional call made in the landlord's name, because the noble lord was spending munificently in garden parties in the West End of London. And as the kindly-hearted English station master lifted him up and saw the life-blood welling from his breast, he murmured of the children and the wife at home. Gentlemen, you remember the lines in which Byron describes for us the gladiator dying in the Roman arena, while the shouts of exultation is in his ears—

> "— . — He heard it, but he heeded not,
> His eyes were with his heart, and that was far away,
> He reck'd not of the life he lost or cried,
> But where his rude hut by the Danube lay.
> There were his young Barbarians all at play;
> There was their Dacian mother, he their sire,
> Butchered to make a Roman holiday."

Ah! yes. Charles Stewart Parnell, John Dillon, Patrick Egan, not in this Court, where you appear arraigned as criminals, but before that dread bar where all men one day must stand, should you account for it, if amidst gathering perils like these you felt not for your own countrymen; if hardening your heart and closing your ears to the plaints of misery, you wrapped yourselves round with sordid selfishness of profit, of pleasure, or of ambition, and stifled conscience by murmuring, "Am I my brother's keeper?" And in that you did not pass by the wounded on the wayside, but sought to lift them up and staunch their wounds; in that you have pleaded and begged, striven and fought, and suffered for the lowly and the desolate, you shall have your reward from

One who has promised that the lightning of His just wrath shall strike the oppressors of the poor. Nor shall this band of conspiring Samaritans wait for vindication even here. The world often stones its prophets, and the track of the philanthropist and the patriot is often but the road to martyrdom; but kind Heaven often gives to man to see the fruition of his hope, even on this side of the grave. Yes, living witnesses shall behold the accomplishment of the blessings which these men will have won for us all. Yes, it must be so. There will be an end of this horrid phantasmagoria of history; the Temple of Janus must be closed; peace and good-will and care and kindly feeling between class and class, and creed and creed must have a free home in this isle of ours, long wasted by the scenes of this cruel land war. Rich and poor we may have still, but no longer tyrant and slave. No more the strange spectre of despair shall darken for ever with his dire shadow the peasant's home. The Irish farmer shall lie down at night beneath his humble roof and start no more in dreams of terror of the crowbar and the bailiff at the door. And think you, gentlemen of the jury, that the Irish people, made free and happy, and secure, will fail hereafter in their blessings and their prayers to remember the men who have worked out their liberation !—

> "If they value the blessings that shine on each hearth,
> The wife's loving welcome, the children's sweet mirth,
> When they taste them at eve they will think upon those
> Who have purchased for them their domestic repose;
> And give honour to him, who, when danger afar,
> Had lighted for ruin its ominous star,
> Left pleasures, and country, and kindred behind
> And sped to the shock on the wings of the wind ! "

Yes, gentlemen, what honour shall you be winning as your share in the noble work to-day? You will have a part in the gratitude and the glory which history will record of the benefactors of this country. You well know that great changes are drawing near. You well know what important measures the Prime Minister of England is even now preparing. Yes, at the very moment when he asks you to link your names with a proceeding which he knows posterity will execrate, he is about to win for himself fresh glory and power by overthrowing the very system he asks you to endeavour to sustain. Your share to be all obloquy; his all the fame. No, no. You will answer him back that howsoever you may be in religious or political belief, you are twelve Irishmen resolved to leave upon the record a nobler part in this moment of your country's fate. I told you you were there as the country. Speak as the voice of Ireland—for justice and for right, and if you happily hear, as doubtless you shall, when I am done, adjurations addressed to you to vindicate the majesty of the law—ancient formula was oft invoked to lure twelve honest men into complicity with the darkest crimes of oppression, answer through your verdict that the law derives no majesty from its vindictive power of terror or punishment, none when divorced from the sacred principles it is presumed to mirror forth the eternal equities of God. Speak, speak the words that shall be hailed as a message of mercy in the peasant's home—that shall resound as the evangel of peace and liberty throughout this long distracted land, and be yours the hands to close for ever this record of a nation's woes, all stained and blotted by their blood and tears.

The Court then adjourned. On resuming,

Mr. Sergeant *Heron* replied for the Crown. He said—May it please your lordships. Gentlemen of the jury, it is now my duty to reply on

behalf of the Crown, and I bespeak your patient and earnest attention while I respectfully call your attention to the issues you have to try. And before I speak upon the case, I may congratulate my friend, my esteemed friend, Mr. Macdonogh, that although at one time we were afraid he might not be present at the trial—we find him continuing, I may say, to the end in renovated health and strength, and displaying all his wonderful abilities. In him, we, the bar of Ireland, cheerfully recognize

> "Genius high and lore profound,
> And wit that loves to play, not wound."

I congratulate my learned and esteemed friend, I will not say my old friend, upon his restoration to health—to perfect health—for in every field the warrior still campaigns it not without glory. Gentlemen of the jury, let me recall your attention, after the numerous and able speeches you have heard, to the issues you have to try. The defendants, if I may use the familiar terms, are indicted for a conspiracy, and the details of the conspiracy are spread over several counts in the information. If I may run rapidly through them, it charges them with this—that they did conspire and solicit tenants in breach of their contracts, not to pay rents; that they did conspire and solicit tenants to combine to reduce their rents; that they did threaten to exclude from social intercourse, and did combine to deter tenants from paying their rents; and that they did, by threats of violence, combine to deter tenants from paying their rents. Gentlemen of the jury, the short way to express the statement of the offences charged in the earlier counts of the indictment is this—that they did combine to effect a strike against rents by unlawful means. I tell you, under the correction of this Court, that a strike against rents, and a combination for a strike against rents, is an illegal conspiracy. And after recalling your attention to the evidence, I will say, if you believe the defendants and each of the defendants, convict them—acquit them if you can. Gentlemen of the jury, the origin of this movement is plainly with three men, whose names have not during the speeches on behalf of the defendants been so prominently brought before you as they ought to have been—Michael Davitt, the head of the movement in Ireland, John Devoy in America, and Matthew Harris. These men boast, and not unreasonably, to represent the Nationalists in Ireland, and those who correspond with them from America. Two of these men have given the most convincing proofs of their devotion to the country and their zeal for its independence—they have risked their lives and spent the best years of their lives in a dungeon. No matter how much you may differ from them in opinion, you cannot help regarding with some degree of respect the man who risks his life for his country's independence, and has suffered a felon's doom. Gentlemen, the unlawful means charged are several—threats of violence, threats of social excommunication, reduced finally to that system of "Boycotting" which prevails in the north, south, east, and west. Gentlemen, it was said in some of the speeches that in none of the rules of the Land League, in nothing signed by the executive or by the secretaries, was that system even indirectly shadowed forth. It was said that this system originated in a spontaneous impulse through the country, or in what has been described as the wild talk of persons for whom the leaders were not responsible. In the charter of the Land League as it was called, in the original document printed by Alley and Co., printers, 9 Ryder's-row, Dublin, and signed by A. J. Kettle, Michael Davitt, and Thomas Brennan, hon. secretaries, I find

"No. 12—No man taking a farm from which another has been evicted for nonpayment of unjust rent should be allowed to become a member of any branch of the Land League." "No. 13—Any member of a branch association bidding for or occupying a farm from which a member or non-member has been evicted, or, who shall rent land which a member or non-member may have surrendered on grounds of excessive rent, or upon a refusal of a fair reduction of a rack-rent, shall be expelled the branch for such action, and he should be looked upon and shunned as a traitor to the interests of his fellow tenant-farmers and an enemy to the welfare of his country." "No. 14—No man assisting to serve processes of ejectment, or taking part in an eviction, or purchasing stock or produce seized for nonpayment of a rack-rent to be allowed the membership of any branch or association. Any member of a branch proved guilty of any of the foregoing acts to be at once expelled, and denounced for his action." Was that in the original formation of the Land League? In the issuing of these rules by thousands to the branches through the country this policy of social excommunication was originally shadowed forth, and was consistently and unsparingly persevered in. But this is said to be constitutional agitation. But Devoy in New York—John Devoy—who suffered for his country; Michael Davitt, whose ability in this organization must be recognized; and Matthew Harris, sneered at constitutional agitation. In a letter from New York of the 18th June, 1880, this is what Mr. Devoy says:—"While on this subject of 'oath breaking,' permit me to set myself right with regard to a rumour that has recently been circulated about me. Although of a personal nature, it has also a political bearing, and, I believe, was started with a view to create some disturbance in a certain rather numerous section of the Irish National party. I find the following paragraph in several of the 'Irish' papers recently come to hand:—'Mr. John Devoy, one of the authors of the 'new departure' in Irish politics, in which the alliance between the Fenians and the Parnellites was proposed, will, it is stated, become a candidate for the Co. Tipperary, in room of Mr. P. J. Smyth.' This statement is sheer nonsense, and I think I am justified in believing it had its origin in malice. I would not enter the British Parliament if by any chance elected. I would not under any circumstances take an oath of allegiance to the Queen (or King) of England, and I entirely disapprove of Nationalists of my opinions and connexions doing so." What is that? There is an honest independence. There is the statement of what the man thought and believes. There he is in America, organizing and planing, looking with contempt on constitutional agitators here, or those who believe they are such, as we are told they are in this Court of Queen's Bench. He goes on—"This twaddle about 'constitutional agitation' is an element of disturbance in Irish politics which cannot be ignored, because it is associated with the names of a few men of respectable character and standing in the National movement, but who really stand almost alone in their opposition to 'agitation.' It is an evidence of the difficulty of doing any real good for Ireland while vituperation takes the place of argument, and while the best energies of each little clique or party are devoted to foiling the schemes of some other set of people and preventing anything from being done in the country that is not acceptable to themselves. The worst of all this is that the public mind is misled as to the real attitude of a large section of the National party, and the mouthings of every driveller who has learned a few phrases by rote are given a certain political significance." Gentlemen, that letter of John Devoy's states the real character of this

agitation, so far as it is supported by the Nationalists of Ireland—the men who look forward to the independence of their country, the men who, to use their own words, are watching the hour of England's weakness and Ireland's opportunity. Whatever strength this land agitation has is derived from their zealous and unfailing support. Mr. Devoy proceeds, in conclusion, to say that the assertions that peasant proprietorship, that fixity of tenure, that free sale—that any of these measures would render the country happy and prosperous and contented under English rule would be perfectly absurd. He then says:—"He is no friend of Ireland who, even for a fancied or temporary gain to the national cause, would suppress liberty of speech or interfere with the right of public meeting. Some gentlemen, of rather Conservative tendencies, advocate a tenant proprietary, on the ground that it would tend to make the agricultural population Conservative. These gentlemen have just as good a right to believe that such a settlement of the land question would make fat, contented subjects of Queen Victoria of the Irish farmers, as I have to hope that, with increased prosperity and independence, they would become more sturdier and stiff-necked, and resent more strenuously than now the assumption of England of the right to rule Ireland." Gentlemen, I said this movement was derived from three men I name again John Devoy, in America; Michael Davitt, here in Dublin; and his strenuous and able and active supporter, Matthew Harris. It will be my duty afterwards to refer to a few of the statements they made at the great meetings they organized to accomplish what is stated in that able letter of John Devoy. Gentlemen, I have stated one object—I will not say of this conspiracy—one object is plainly shown by these acts. There is another matter—another important document as regards the Phœnix Park meeting—and it shows another character of this movement. The gallant rebels of '98 were Christians. The United Irishmen fought at Ballynahinch. The rebels rose in Wexford—they fought with their priests at their head. No man can deny the valour with which they fought, or the gallantry with which they struggled against overwhelming odds. There is no more affecting picture in Irish history than the wounded rebel at Oulart or New Ross dying of his wounds on the field of battle, and with his last breath kissing the crucifix held to his lips by the wounded priest. It has been reserved for modern Socialism to introduce into Western Europe, alnog with every seditious movement, a most diabolical and obscene blasphemy. And you saw how, for two long hours, in reference to the Phœnix Park meeting, the learned and skilful leader beside me, and his able lieutenants acting under his guidance, sought to exclude the infamous document called Paudheen O'Rafferty's Commandments, which were circulated here to the honest artizans of Dublin. It was said they were never recognized by the leaders of the movement. At Abbeyknockmoy, one of the traversers twice alluded to the document, twice recommended the people to read it—twice, in the presence of four priests, as he said. Gentlemen, the whole of the Divine law is in almost two lines—"Fear God," and "Keep His Commandments." The whole fabric of Christian society would vanish from Western Europe if these blasphemies are allowed to defile the Word of God. One extract from this document I shall read, because it is repeated over and over again—the sentiments expressed by it—in some thirty or forty speeches with marvellous unanimity. After saying in blasphemy of the Commandments—"I am the Landlord, thy Master, who paternally condescends to take charge of thy earnings in the shape of rent." No. 7 says—"Thou shalt not violate the great moral law upon my estate,

which forbids the marriage of thy sons or daughters, particularly thy daughters, until myself or my agent shall first satisfy ourselves that such a step is agreeable or beneficial to myself or my agent." You see what is intended by the infamous slander repeated by Harris against Mr. Blake, agent of Lord Clanricarde, and other agents in the West of Ireland, and in his denunciation of those gentlemen—the Galway landlords? "No. 8—Thou shalt not steal an idle moment, neither shall thy children, from the blessed occupation of labour in my service, to indulge in the worldly pleasures of reading books or newspapers, or to listen to immoral teachings against my sacred prerogative as thy lord and master." And then in a commentary upon them, this Paudheen O'Rafferty says—"To crush the industrious and monopolise wealth, power, pleasure, and honour in this life, the privileged, though idle and morally worthless few, are allowed by passive millions to act as follows:—To govern in every land and make laws for every people—but themselves—to keep. Armies are organized and officered to conquer and keep under the people who work. Policemen are to watch, judges to try, and prisons to keep, the toilers who have to support them. A society is empowered to look upon work as menial and degrading, and upon idleness and fashion as ennobling and grand. And finally, religion is expected to preach doctrines to the people which make slavery and poverty the chief ends of life, and cowardice and submission to every wrong a passport to everlasting happiness." What is that but an expansion of the Communist and Nihilist cry, "Down with kings, priests, and judges." Gentlemen of the jury, the first important meeting in the Phœnix Park went on. But before I go into details of that meeting, and what became of it, a third great pamphlet upon these passing events is, "Matthew Harris upon the Political Situation." The following letter has appeared in the *Irishman*:—"Ballinasloe, June 19th, 1880. . . . "No doubt it is well to remind Irishmen, even in these dark times, that they have a higher, a holier work before them than the work of land reform. To warn our countrymen that while raising their voices against the rent tax, as America raised her voice against the tea tax, they should join with that voice, as the Americans did, a demand for National Independence." . . . . . "From the first landing of the English our struggle with them has been agrarian as well as National. English kings and Irish kings, English barons and Irish chieftains; English churchmen and Irish Churchmen, fought, no doubt for the glory of being supreme; but they also fought for possession of the land, just as the Anglicised landlord and the Irish peasant are fighting for it to-day." Accordingly, gentlemen, a meeting took place—an organized meeting took place in the Phœnix Park on the 14th March, and was reported in the *Nation* of the 20th March. Messrs. Davitt, Brennan, Biggar, and Ferguson were there; Mr. Sexton was also there. Mr. J. W. Walsh, of Balla, was there, and a resolution was passed at that meeting, the whole of which I will not read again—"Whereas the institution of Irish landlordism has had its origin in the subjugation of our country and the confiscation of its soil to adventurers and enemies of the people who owned it; and whereas this great national wrong has impoverished our land by restricting its proper cultivation, and pauperised our agricultural classes by imposing a tax upon their industry in the form of unjust and exorbitant rents; and whereas the agrarian crime which has disturbed the peace of our conntry is a consequence of the said spoliation and a result of the system of land monopoly which followed therefrom: be it therefore resolved that the prosperity and contentment of Ireland imperatively demand the speedy and

final abolition of Irish landlordism." Mr. Davitt spoke at that meeting. He said "The resolution was one which must commend itself to them. The man who cultivated the soil was the man who should own it, and the time has arrived when the tiller of the soil, as he struck his spade in the earth, looked towards Heaven, and asked for whom the land was made. He might be reminded that the British Government had given it to the British garrison in Ireland; but the law of God was higher than any such enactment of man's, and the law of God intended that the soil should be owned by the people of the country (hear, hear). With these remarks against the accursed institution which now, for the fourth time, had placed Ireland before the nations as a mendicant, he asked them to endorse the motto upon the banner which was fluttering opposite to him—that the land of Ireland, being created by God Almighty for the people of Ireland, to the people of Ireland, and not to the idle, sensual landlords, the land of Ireland should belong." And in moving a vote of thanks to the chair, Mr. Davitt said they had entered the Phœnix Park without having had the trouble of pulling down the gates, as they had intended to do if it were necessary. Mr. Kettle having replied, the meeting dispersed in an orderly manner. Gentlemen of the jury, that meeting of the organization struck as it were the key-note of the alarm to the country. It is said that we did not give enough of proof of meetings, and one of the learned counsel said that one hundred provincial meetings had been proved but that six times that number had been held. The proofs of the vast organization are in my hand as regards the number of meetings. Mr. Biggar attended ten; Mr. Boyton attended twenty-two in the country; Mr. Brennan attended thirteen; Mr. John Dillon attended fifteen; Mr. Patrick Egan attended only one; Mr. Gordon attended only twelve; Mr. Harris attended eleven; Mr. Nally attended fifteen; Mr. O'Sullivan attended fourteen; Mr. Parnell attended eleven; Mr. Sexton attended eight; Mr. Sheridan fifteen, Mr. Sullivan attended six, and Mr. Walsh thirteen. That is according to the evidence; according to the statement there were six times that number held. Gentlemen of the jury, what were the topics at those meetings? What was the wild language used—said to be "wild"? You will find it in the rules of the Land League, and you will find a large portion of it in "Paudeen O'Rafferty's Commandments." What does Mr. Sheridan say at Keadue?—"If such another course as this be attempted by any officer of the law, let your arrangements be:—Away to the chapel bells and church bells when the eviction is to take place; let there be horns in every parish; let men and women assemble there and keep the people in their homesteads." What does Mr. Dillon say—"We must see that no man or woman is put out of their farm; that no evictions shall take place in Kildare." What does Walsh say? "Whenever a tenant is evicted, you should go in a body to the landlord, and say—'We will not pay you one penny rent until you reinstate that man.'" What does Mr. O'Sullivan say—"You are assembled here with a firm determination that no eviction shall take place on the plains of Boyle again." What does Walsh say again—"If the tenant is evicted, the people should form in military procession and march to the landlord's door, and tell him they would not pay one penny of rent until he had been reinstated." What does Gordon say—"I ask you to proclaim before the world, and before the eye of the Government, that you will keep a firm grip on the harvest, and resist the land-robber. The law says you are to protect yourselves from the night robber, and I fail to see any difference between the night robber and the land robber." Mr. Walsh says—"Let no man give up possession, if there is stronger power

to put him out, he knows one way to get in." Mr. Gordon says—"Don't think of leaving your cabins, except at the point of the bayonet." Mr. Harris says, at Loughglynn—"This I call my home. I stand here like a man to defend this home of mine, and these children of mine, and woe be to the tyrant who dares come and disturb me." What does Mr. Boyton say at Miltown—"If you enable us to carry out these objects we will leave the property of landlords so worthless that the landlords will leave it to you." Mr. Brennan says—"We must enter into a holy conspiracy against them." Mr. O'Sullivan says "Stick to each other. If you be true to each other landlordism must starve in this country." Mr. O'Sullivan says—"You are assembled to bring that power to its knees; ay, and to strangle it there." Mr. Boyton says—"We ask you to work within the law, but within the law we can point you out a way that will bring these men to the earth, and when they are there crush the life out of them for ever." That is the Ballingarry meeting—"We propose to withdraw from these men the means whereby they live in luxury and infamy." Mr. Dillon makes a similar speech at Clonmel. And during the whole of this time Mr. Sullivan in the *Nation*, in a very skilful manner is referring to the meetings which are taking place, and carefully and quietly, and with great power assisting in the work which is going on. In the *Nation* of the 24th July Mr. Sullivan publishes this. "The proceedings in the Landed Estates Court show that the market for landed property is still in a falling condition, few or no sales being effected, and in some cases no purchasers at all putting in an appearance. A notable event in that connection took place in Kerry on Saturday. The interest in a farm near Killarney was put up for sale in the court-house, when the tenant, against whom a decree for possesion for non-payment of rent had been obtained, cautioned anyone against bidding, as he had tendered the rent to the landlord. The result was that none of the numerous farmers present offered a penny, and the sale was adjourned, the tenant being made the object of public congratulations." In that remarkable account of the demonstration at Barntown in the *Nation* of the 9th of October he says —"A meeting was held in Barntown on Sunday for the purpose of inaugurating a branch of the Land League. There were between 5,000 and 6,000 persons present. The Barntown, Bree, Johnstown, and the St. John's Independent Bands attended. Opposite to the speakers on a pole was the effigy of a man with a pair of boot lasts hung round his neck. This was intended to represent a man who had purchased some land lately from which the former tenant had been ejected. At the close of the meeting the effigy was 'shot' and then set fire to." Gentlemen of the jury, we know from history, (the people well understand, although they may not know the origin of the burning of an effigy), that when the Inquisition in Spain had power, and when sentence was passed against a man out of the country, the sentence by which his life was forfeited and his lands confiscated, was not carried out until an image of the absent person was burned in effigy; and accordingly a burning in effigy has been ever since, as it were, regarded as a sentence of death passed against the person so treated in effigy. This was published on the 9th October by the *Nation* with every demonstration—at all events, certainly not of disapproval—both as regards the burning in effigy and the social excommunication. Well, it was stated by counsel for Mr. Sullivan that there was nothing against him as regards the practice of social excommunication. But in the *Nation* of the 16th October I find—"The work of socially excommunicating persons who take evicted tenants' farms is being carried on with great thoroughness and success in various

parts of the country. Thus in Limerick a few days ago a farmer who had sinned in the way referred to offered for sale in the market some butter and oats, but both merchants and brokers refused to transact any business with him. The consequence was that he had to bring his produce home, and on leaving the market he was groaned and hooted by a large crowd of farmers. We believe it is the same farmer who went to buy some bacon in Limerick, and when he told his name failed to induce the bacon merchants to sell him anything whatever. In Clare, again, a farmer has been made, for the same causes, such an outcast among his neighbours—they refusing to hold any intercourse with him or sell him the necessaries of life, and even going so far as to keep him out of the parish chapel on Sundays—that he has found his new position intolerable, and surrendered to the landlord the banned farm on which he cast his eyes in an unhappy moment. Comment is needless." Gentlemen, how did the constitutional agitation proceed? Again I say, from their own lips only I ask you to condemn them, and if you believe them to be honest men, expressing what they thought, convict them, and acquit them if you can. Mr. Boyton says at Newtown—"For the first time in history the people of Ireland are making an effort to stand on the soil that God created and blessed—a land consecrated by the footsteps and the graves of thousands of saints (cheers). A land that has shed its blood again and again in abortive attempts to rescue itself from the infamous touch of the vilest Government that ever cursed the earth." Mr. Gordon, at Shrule, says:—"O'Connell once said that the land of Ireland would be dearly bought at one drop of blood, but I differ from him. It is better for you to lose your blood as Allen, Larkin, and O'Brien did, and we are determined to do the same." Mr. Nally, at Balla, says, "I say you must organize and establish a branch of the Land League. There has been more good done since this day week,—there has been a landlord shot in Ballinrobe (cheers). You all can have rifles now, and any of you who are not able to buy a rifle (cheers) or gun, have the pitchfork in your hand." Mr. Sheridan, at Lackagh, says, "Fellow-countrymen, I feel proud at seeing you assembled here to-day in your thousands, we must asssert our rights, and if we do not get them through our Members of Parliament, I would ask you then to ring out your voices through the muzzles of 'Minie' rifles as well as from those platforms." If he meant the rifles to be directed against the landlords, it it is murder; otherwise it is high treason. You are asked to say that this is kept up by an organization, holding meetings in different parts of the country, by the various speakers; and you are asked to believe those men, and to say that this is a constitutional agitation. Again, I say, convict them if you believe them; and acquit them if you can. What does Mr. Brennan say—Mr. Brennan, at Keadue:—"Yes. We did use seditious language against the power of landlordism, which has so long crushed the people—(groans)—and, please God, we will continue to use seditious language and be guilty of seditious acts against the system that degrades labour and ennobles idleness—(hear, hear)—until that sedition against landlordism shall ripen into revolution against landlordism, and the whole infernal system go down before the might of Ireland's awakened manhood." And Boyton, referring to one of the watchwords of the organization—"Spread the Light." "Hold the harvest. "Keep a grip of your homesteads"—in the south of Ireland, says:—"So soon as these meetings, instead of a disorganized, present a firm, determined, and enthusiastic crowd, so soon as we can march four deep

one mile of a column of earnest, honest, determined young men, stepping along the road—not drilling—marching to those meetings, we will begin then to show our teeth." Then, I say, if you believe them, they meant something by that. Gordon says:—"I do not fall out with the man who says that the best way to get shut of that cursed system in Ireland is at the point of the bayonet. I tell you here to-day that if he be prepared to carry it out at the point of the bayonet I am prepared to follow him." Boyton again says at Cahir—"And when you are able to achieve your social independence, we may from the rank and file of 250,000 Land Leaguers select an Irish national guard that with the weapon of freemen slung on their arm, the rifle, that they may take the place of that organization, that 100 years ago gave Ireland a glimpse of liberty." And Gordon says, at Abbeyknockmoy—"And until Ireland is proclaimed a nation I shall work by day and I shall write by night, ay, and I shall plot by night until Ireland is a nation. Don't rest contented slaves by the fireside. Wherever you know there is a newspaper to be read, wherever you see that Paudeen O'Rafferty's commandments are read let ye go there and listen to every word and go home. England is here only as a robber. I don't come to meetings for the purpose of being on the platform, but I come here to give a helping hand to proclaim before God on high that this land is ours, and if we cannot get it peaceably, to fight at our own doors for it." And then there is loud cheering. Are the leaders less outspoken. I mean the men who might be called great leaders of the movement—those in Parliament, like Parnell and Dillon—I do not use the word Mr., I refer to them just the same as I refer to O'Connell or any other great public man—Parnell and Dillon:—"The people of Ireland are to-day engaged in a great struggle, a struggle for the land of their country which was wrested from them seven centuries ago by force of arms. We believe that we shall, in the course of a short period, obtain that restitution of the land of this country; better for them to come forward now and to offer fair terms to the Irish tenants, for I tell them that if they do not, we shall soon be in the position of victors, and shall be able to dictate our own terms." At Clerhaun, Nally says—"When we get fellows amongst us like the seven brothers we can smash them. But keep together, keep strong; dynamite and gun-cotton will scatter them to pieces." It is well to use these expressions with a light heart; but such a thing occurred as the Clerkenwell explosion. And the other day in Manchester when the explosion took place in the Barracks, I would like to know whether the relatives of the man murdered by that explosion, whether they are of opinion that Nally was serious or not in saying that dynamite and gun-cotton would scatter them to pieces? Brennan says, "Of ('65'). Yes, cheers for the men of '65, for were it not for the men of '65 and '67 we would have no national opinion in Ireland to-day." This was after the murder of Lord Mountmorres. "When these men were cast into prison the predecessor of this high ecclesiastic came forward with another manifesto." The high ecclesiastic he referred to was Dr. M'Cabe—"And without a particle of evidence charged these pure-minded men, charged these pure-minded men with the darkest of crimes (cries of 'he was a Government hack, and to hell with him).'" This is the way that, under the guidance of the leader of this movement, the name of the Cardinal and the name of the Archbishop, and the names, as I will show you afterwards, of any priest who does not dare to join this movement, are referred to by these persons going through the country, and driving the minds of the excitable people to madness.

"Away with them," they say, "to hell with them." This is the teaching for which the leaders of this movement are responsible. This is what we are coming to. Now, is not the veil taken off altogether? Priests and people,

"Behold your guide, your star;
You would be dupes, and victims, and you are."

Dillon says at Holyford, county Tipperary—"To-day, fifteen meetings, each larger than this, are assembling in twelve Irish counties, and a hundred thousand Irishmen are to-day assembled on the plains of Ireland to declare that landlordism must go down in Ireland if you are a united and determined people (cheers). This is a cause which every Irishman can go into, whether he be Catholic or Protestant, whether he be a Nationalist or not. It is a cause which the Irish Nationalists can go into, because its object is to break down and defeat the English garrison which holds this country for England. Its object is to clear the path for Irish Nationality, by emancipating all the people of Ireland from the control of English landlordism, and settling them in their own homes as free men." Brennan says, at Ballinlough—"I don't advise you to offer any open resistance to the law, simply because I believe you would not be able to defeat it. I believe there is nothing wrong in guarding your own lives and your property; and if I don't advise open resistance to acts of tyranny, it is not because I see very much wrong in it, but because I know it is not advisable. Swear before high heaven, that the land that was created for your use that you are determined to fight for it." Gentlemen of the jury, what attempt is made to answer these speeches made to the public which I have partially opened to you? Many speeches—able speeches—were made on behalf of the defendants, dealing in generalities only. My learned and able friend Mr. Curran made a speech for Gordon, Harris, and Nally, and stated that he would go through some of the evidence, as, following his experienced leaders, he had been instructed to do. He spoke in particular in reference to Mr. Nally. He said he was counsel for Nally, and made one of the most singular statements that I read from the report, probably, that ever was made by counsel in a court of justice. My learned and able friend who appeared on behalf of Nally had one of the most extraordinary parts to play in appearing on behalf of these three gentlemen—Gordon, Walsh, and Nally—who made some of the strongest speeches, probably, that ever were given to an advocate to defend, and my learned friend accepted the position, and discharged his duty gallantly, and in a way worthy of the name which he bears—the name of the greatest orator we ever produced at the Bar. And he says, when speaking about Nally:—"But there is some-"thing peculiar about the case of Nally here. It was all very well to "treat it in a jocose manner in the cross-examination, and although I "treated it in that way I did not feel that it was a subject for merriment. "There is something peculiar about the country, for so long, making "speeches which were reported to the Government, and that there was "no stop put to it. There is something peculiar about the fact that he "is a man easily affected by drink, and yet that we find him from time to "time supplied by the policemen with drink before he went to the meet-"ings. Just reflect upon these facts, gentlemen of the jury. They ask "me that question, and I cannot but wonder whether such things could "be. Stringer reported him, gave him drink, and took drink from him. "Every man of them except one—one man proved the rule by the "exception, as he said himself; this man was the only man who did not

"do it—every constable who came here to prove the speeches of Mr. "Nally had either given drink to him or taken drink from him. "And Nally was a man known to all to be easily excited by drink. "If the Government believed that Nally was in earnest, why did they "not stop him long since? I asked one constable how soon—after one "terrible speech had been delivered by Nally—how soon afterwards he "had sent the report up to Dublin, and he said that he had sent it be- "tween two and three days afterwards. The Government of the day— "a Conservative Government—had these speeches, and so had the Go- "vernment that succeeded it, and it has been using these speeches for the "purpose of crushing this agitation—they had these speeches reported to "them within, at all events, a week after the meetings, and when the late "Government arrested Messrs. Brennan and Davitt, why did they not also "arrest Nally? "Because," counsel says, "Nally was nothing better than "a drunken fool going about from meeting to meeting, speaking here and "speaking there. Was that not the reason why Nally escaped so long? "Was that not the reason why they did not believe or pay attention to "what he said at these meetings? Why they were aware that he was a "drunken fellow, because the Attorney-General put this question to one "of the witnesses,"—I believe it was I asked the question, for I examined the witness—'Was Nally drunk at this meeting?' 'He was,' the witness said. "After all, I think it was not fair that the Right Hon. the "Attorney-General, representing Her Majesty's Government, should "charge my clients with being conspirators with Nally, to say that they "conspired with him to achieve their objects by the means of murder; "because that was said over and over again. I say it was not fair "—and I cannot throw dirt in the teeth of the Government—to press "so infamous a charge. It was not fair to watch Nally going from "meeting to meeting, letting him go on and, I say, directly encouraging "him—for the police did encourage him—to encourage him in making "the observations he made. The police gave him drink"—that is not correct—"and then took down his words and sent them to the "Castle. It was not fair of them to allow that man to go on. And "why did they do it? Because if they did not they could not have "dragged in Mr Parnell as a conspirator with him. And, I am sure "that you, as Irishmen, will tell the Right Hon. the Attorney-General, "representing Her Majesty's Government, that whatever Mr. Parnell "may be, whatever his faults may be, he is no conspirator for murder. "Mr. Nally was generally called upon to speak after the meeting was "closed, and, except on one or two occasions, he never was at any "meeting in which these desperate conspirators from Dublin appeared. "For they have so disavowed it. They were working for a legitimate "object to be attained by legitimate means. Nally's object was murder, if he believed in it, which he says he did not." There, gentlemen, is a defence. There is a way to treat Nally, gentlemen of the jury. Nally attended fifteen meetings, seven of the traversers, at all events, were present at the meetings which he attended. Nally was never disavowed. No doubt, according to his counsel, he did mean murder if he believed in it. What is the reference to the dynamite? What is the meaning of the gun cotton? What is the reference to the landlord murder at Ballinrobe? What is the reference, by the other traversers, to the murder of Lord Mountmorres? Was this disavowed? Gentlemen of the jury, the meetings at which Nally was present—I say the trusted companion of the other defendants were as follows. On the 3rd May, at Irishtown, in the county Mayo, Nally attended a meeting with Parnell, Boyton and Gordon. At

Glennamaddy he was there by himself on the 16th May. He was at Ballyglass, in the Co. Mayo. On the 13th June he was at Shrule, Co. Galway, with Gordon. At that most remarkable meeting at Bohola, in the Co. Mayo, on the 30th July, he was present with Walsh. On that day week he was at Cong, in Mayo, with Gordon. He was at the Land League meeting at Duneen on the 18th July with Walsh. He was at Milltown, in the Co. Galway, on the 25th July, with Brennan and Gordon. He was at Frenchpark, in the Co. of Roscommon, on the 1st August, with Harris and Walsh. He was at Ballintubber, Co. Roscommon, on the 8th August, with O'Sullivan and Walsh; and he was at Tuam, in the Co. Galway, on the 15th August, with Brennan, and Walsh, and Gordon. Taking up the dates you will see, from June almost until 15th August, he was with these other traversers every Sunday attending meetings in the West. The printed resolutions--from Dublin I presume—but at all events the printed resolutions at the meetings were given into his hands to be moved. He hands the placards to the constables. I have a right to say that he was intrusted with the printed resolutions and the printed placards, and you are asked to say that he is not responsible because his counsel says that he was a drunken fool, while in the same breath he says that Nally meant murder if he believed in it; and I understand my learned friend to say that the condition of the country would palliate murder——

Mr. *Curran*.—I did not, Sergeant Heron.

Mr. Justice FITZGERALD.—Oh, no.

Sergeant *Heron*.—I withdraw it at once.

Mr. *Curran*.—I did not say it.

Sergeant *Heron*.—As regards the condition of the country, I think I have a right to say in this court that no condition of the country palliates murder. The commandment says, "Thou shalt do no murder"—and Nally meant murder if he believed in it. Well, I think it can hardly be said that Mr. Harris is to be disowned. Gentlemen, at the meeting in Galway, on the 24th October, Mr. Harris was there, and Mr. Parnell was there. Now it has been said over and over again that murder has been denounced from these platforms, and that every one of the traversers has disassociated himself from all connexion with these frightful crimes. On the 3rd October Mr. Parnell, at Galway, delivered a most remarkable speech. The murder of Lord Mountmorres had occurred on the 26th September, and in all the meetings that were held on the 3rd October you find no denunciation of the murder, except, of course, I may say, that wherever a priest speaks of the murder, he speaks of it with abhorrence, and, according to his sacred calling, he enforces upon the people the law of God—"Thou shalt do no murder." Mr. Parnell spoke very smoothly, on the 24th of October, a remarkably short speech in Galway:—"Mr. Chairman and people of the city and county of Galway, it gives me great pleasure to stand in the county which was the second in Ireland to take up the great movement which was started last May twelvemonth by Michael Davitt, at Irishtown. You have nobly upheld that cause from that day to this day, in the face of every difficulty and discouragement, despite of the famine that threatened to carry you off in thousands last winter; and you will uphold that cause to-day in spite of the thousands of police and military that that hypocritical Chief Secretary and pretended Liberal Government have hurled into this country (groans). If famine was not able to subdue you last winter, neither will the threat of taxation for additional police conquer you to-day

('Never') Now, your chairman has deprecated assassination and violence as being unnecessary to win your cause, and very properly and justly deprecated it (hear, hear), and at all the land meetings which had been held up to the time when extra police were planted down in the County of Mayo, I also took care to join in that condemnation (hear, hear, 'Long may you live'); but I utterly refuse further to allow any credence to be attached to the charges which have been made against us and our people by the English press, by in future deprecating outrage and crime which do not and have not existed; and if it were otherwise, I say that the conduct of the Government, in violating the engagement upon which we gave them the votes for the constabulary, after seven nights' debate, and in sending these extra police into the famine-stricken counties of Galway, Mayo, and Kerry, disentitles them to my advocacy in assisting them to uphold an unjust and an infamous law (hear, hear). What is responsible? Who are responsible for the murders of landlords which have from time to time, at all times in our history, taken place in this country? It is admitted by everybody that English made law is responsible (cheers), and I say that the people who are primarily responsible for the murder of Lord Mountmorres, if it was an agrarian crime, and of that I have very great doubt, are the House of Lords, who, by rejecting the Compensation for Disturbance Bill, took the arbitrament of this question from the courts of law and placed it in the hands of the people; and the man who is secondarily responsible is this pretended humanitarian Chief Secretary of ours, buckshot Forster, who, when the House of Lords kicked out his Bill, and smote him on one cheek, turned to them the other cheek to smite also." Now, in uttering this, Parnell tried to imitate O'Connell. O'Connell had a marvellous skill in fixing upon a man a nickname that lasted for life. In the course of a controversy, Mr. Disraeli happened to say in his letter that he didn't repent of the course he had taken. Dan O'Connell was down on him and in his next speech said that the honourable gentleman could not repent because he was the lineal descendant of the impenitent thief on the cross. Well, so much for the imitation. But there is this cry about the real criminals: Harris calls them "the real criminals," "agrarian criminals"; Parnell calls them the "responsible criminals"; others of the defendants the "real criminals." This phrase is derived —and really it shows how little originality there is in these statements by some of the traversers—this phrase had its origin in the celebrated speech of Henry Grattan, which my learned friend, Mr. A. M. Sullivan, remembered to-day, and which he partly adopted. Old Harry Grattan said in a splendid burst, "The rebel in the field must be put down; but the real criminal is the Minister in the Cabinet." That phrase of "real criminal" was then taken up and used in the wild licence which is allowed to defendant's counsel here in Ireland—was used by Isaac Butt in the case of the Queen *versus* Casey, when he said the real criminals were the landlords and not Casey whom he was defending. And accordingly it is repeated, and this doctrine of the real criminals, this doctrine of the agrarian criminals, this doctrine is adopted by Mr. Parnell. Harris, who had spoken of shooting the landlords like partridges, being present at that meeting; Harris, who had denounced the Pollocks, the Blakes, the Nolans, and all the old Galway families, who had made that infamous speech about poisoning the dogs of the hunt, and of poisoning every field in the country, and of driving the Persses from the land. For more than twenty years I, myself, have been a member of the Galway Club, I can speak in their behalf. Personal experience has been appealed to,

and I can speak of them as good landlords, living on terms of amity with their tenants, discharging every duty of social life. I know they join in the amusements of the field, and why should they not join in that Galway hunt, the "Blazers," as they are familiarly called, who are known all over Europe as a type of good sport and hospitality. This man, Harris, says, in the excuse that he made for advocating murder, that he was unwilling to shed the blood even of the lower animals, meaning that he would rather shoot a rat than a landlord, and he makes this speech about poisoning the dogs of the hunt, and Mr. Parnell makes his speech about the real criminals. That means that the real criminals are not the persons who in the secret lodge vote some one to death, not the assassin told off under a threat of death to do the murder, not the spy on the hill-top that lifts his hat as a warning to the assassin lurking in the hedge below that his victim is approaching, not the murderer on the run, not those who hide him from justice, but the landlord or agent foully murdered, left on the road avoided by the people, or carried home bleeding on a door to his wife and family. The real criminals forsooth are the persons who suffer and not the murderers or those who hide them from the law. In every speech I find this phrase—"real criminal," "agrarian criminal," and to-day, in a speech of great eloquence, the quotation was again given, Mr. Sullivan again repeated the phrase that the real criminal was the Minister in the Cabinet and not these persons charged with these atrocious crimes. Gentlemen of the jury, that is the result of this preaching of Communism and murder. Again I say, priests and people,

"Behold your guide—your star,
You would be dupes and victims, and you are."

Gentlemen, Mr. Harris held up to social excommunication and public execration the Galway landlords. What was his speech at Kiltoom. He says—"We were called Communists, Socialists, Revolutionists, every bad epithet in the English language was applied to us, and we found the landlords would not stir a hair's breadth to meet the arguments we advanced; and we found on the other hand, that with some noble exceptions, we could not get the clergy to come forward on our platform and support us. I, myself, went to the parish of Astra; I could enumerate very many others, Ochran, Clohan, Athlone. I came to Dr. Coffey, in Athlone, to hold a meeting to denounce Pidgeon and some other bad men (cheers). But, my friends, we could not get the co-operation of the landlords on the one hand, or the clergy on the other. Therefore, I say to you, that when you hear agitators denounced, when we found reason and argument was of no avail, and we found it necessary to appeal to passions of the people to tell them how they were rack-rented by landlords, how they were exterminated by landlords, and tell them all the evils that could rouse up the passions and manhood of the country—when we found reason could not avail, we turned to the manhood of the country, and it is to the manhood of the country we appeal to-day." Again he says—"I remember, my fellow-parishioners, on the lands we stand upon, old Sir Frederick French, who was a very good man in his way, owned this property; built cottages for the comfort of his tenants. I do not say the cottages he built were suitable for the people; he resided in London; and it takes a man to live among the people to know the people. At all events, like a good-hearted man, he showed a desire to improve the condition of the people. After Sir Frederick, there came in Sir Charles Danville (oh,), one of the most stupid, one of the greatest tyrants that ever existed. The first thing he did was to

inquire where there was a poor man who had a farm where the rent might be raised; after that he came forward and made the people bring their cats and dogs to kill them." Lower down in his speech he says:—"The worst man is Sebastian Nolan; the worst man, the worst agent, and the greatest scoundrel in the West of Ireland. Sebastian Nolan was fired at in the County Galway (a voice—'It was time'). Of course the man who fired at him committed a very great crime (a voice—'Oh!') But for fear that he had been fired at, I will not say what another outrage he would even have committed—a greater crime." This man denounced the Burkes, the Persses, in fact almost every landlord in Galway, and he shows what he would do if he had the power. Gentlemen of the jury, in reference to the last count in the indictment, it was a topic mentioned by several of the counsel who addressed you on behalf of the traversers, that that count was excluded for the purpose of shutting out evidence as to the misery of the country, as if the famine that took place years ago could for a moment be doubted. That is matter of history. But one class of evidence was not excluded, and could have been given, and ought to have been given, in evidence, if there was one particle of truth in the infamous slanders which have been uttered against the gentry of the county Galway. I read those passages in which this man, Matthew Harris, denounced the Blakes, the Persses, and other well-known families in the West. You heard the terms in which he denounced Mr. Sebastian Nolan. I repeat, I have the pleasure of knowing many of them, and I defy any evidence to be adduced against them of any acts of cruelty, tyranny, heartlessness, or oppression. Those passages in which those dreadful denunciations were uttered were read in evidence against the traversers. If true, could not evidence have been given in sustainment of the charges? Could not evidence have been given to show they were justified? Could not Mr. Gordon, Mr. Nally, Mr. Harris, or any one of the traversers against whom those dreadful passages were read—could they not have given evidence to justify them? No, gentlemen, they shrunk from that investigation, and I now charge them as deliberate misstatements. It was said there were 200 witnesses to prove these things. I repeat, in the presence of my learned and able friend, the veteran leader for the defence, and every time I think of the able manner in which he has conducted this case, the more must I admire him. I repeat in his presence—I do not say I challenge contradiction—and if, in the heat of argument, I should utter one word offensive, I will apologise for it, but, I repeat in his presence, that if there was one particle of foundation for those gross charges of tyranny, oppression and cruelty against the landlords of the West of Ireland, they could have proved them, they could have justified them, but, they shrunk from the proof, and why?—because those charges were pure inventions, without a particle of truth to justify them. I will now refer you, gentlemen, to the speech of Mr. Matthew Harris, at Frenchpark, on Sunday, 1st August. Before doing so let me observe that the only defence attempted as regards those dreadful charges read in evidence was by my friend, Mr. Curran, and I will take his own test. He says, if you believe they were in earnest, convict them. But he does not say that Matthew Harris was not in earnest. If he said that he was not in earnest, I do believe he would dismiss him as his counsel on the spot. So much for honesty and sincerity. He does not say it for Mr. Gordon, or Mr. Walsh, for each of those gentlemen, if challenged as to whether they were in earnest, would say they spoke the truth. They spoke fearlessly

and would strike for Ireland if they had an opportunity. The only man who had no excuse for not meaning what he said was Mr. Nally, who meant murder if he was in earnest. Mr. Matthew Harris, at that meeting in Frenchpark, says, "Well, I am happy to see that the people are realizing these things. They are feeling the necessity of combined action, and I hope the time is not far distant when the people will be so united that when the bailiff or when the sheriff (groans, and cries of 'Down with them')—or when the landlord come to dispossess the poor industrious person from his holding, which according to all the laws of justice and humanity and morality he has a better right to than the landlord . the people throughout the country will all rise like one man, that signal fires will make their appearance on the hill-top, and that every man in the vast area will come together in thousands and tens of thousands and say to the landlord, 'You can go no further. This man is our brother—this man is our neighbour—this man has a better right to the earth than the extravagant landlord, and we shall not allow this man to be disturbed—we shall not allow one hair of his head to be disturbed—we shall not allow his farm to be taken from him—we shall not allow his children to be thrown out on the world—we shall not allow his aged father to be driven upon the mercy of the waves (great cheering, and cries of 'never') by any tyrant no matter who he is.' Well, my friends, it is only by union and organization you can accomplish this. By this union and organization you can accomplish all I say, and very much more than I have told you. Then, I ask, must he not be a grossly selfish man who would stand aloof from a great movement which promises this. It is those rotten men—those vile bad men—help themselves and themselves alone (voices—'We won't let them'). They sneer at the men like Mr. Kelly beyond, who has done a great deal (cheers. Voices—'Such fellows that went to serve the processes the other day,' 'They had to go home quick,' 'We were the boys that were able to do it,' 'Down with them,' great cheering.)" That is the language, gentlemen, of Mr. Harris, and indeed I must say of these men of whom I am now speaking, that they have spoken according to their lights, and looking at these matters from an imperial point of view, and not from a national point of view, a statesman possibly would prefer to meet the open, manly, high treason utterances of these men, than to have rebellion secret and veiled under the false mask of constitutional agitation. I referred to the threat Mr. Harris used against the priests who would not join them. That threat is constantly repeated, and even the Lord Lieutenant and Archbishop M'Cabe were mentioned at one of those meetings to shouts of "Away with them." At every meeting where there is not a priest present, at that meeting threats are used against the priests. What does Mr. Gordon say at Shrule, on the 20th of June?—"Mr. P. J. Gordon seconded the resolution, and in doing so said—I am proud of having the honour of addressing you here in Shrule to-day. I had made up my mind to attend another meeting, but something has occurred in this gallant county that is echoed by my feelings. The Church teaches that he who is not with you is against you, and I am sorry the priest of this parish is not here to-day. Let it not be understood that I want to excite that gentleman; but I will not let it be understood that his name is in accordance with his acts. He bears the name of Good, but he is damn little good." That is the way the parish priest is spoken of? He continues:—"It is the people of the parish that has made him what he is, and it is you, with your hard earnings, that has placed him in this position. I

am leaving it in your own hands to chastise those who are against the people. I understand, my friends, that there is a party here who has got up a system of reporting to the Government that the peaceable people of Shrule and its surroundings were determined to cut one another's throats. But I say we have no intention of cutting the throats of our friends, but I don't care if half the throats of our enemies were cut before morning." Gentlemen, if Mr. Gordon's counsel observed that speech, and said he was drunk or that he did not mean it, I repeat, he would dismiss him from his advocacy on the spot. In the same way, at Kiltullagh, on the 22nd August, Mr. John W. Walsh says:—"I am exceedingly sorry, as a Catholic, that your parish priest has not come here to grace this platform to-day, but instead of doing so he thought fit to say that this meeting was got up by strangers. Well, I don't consider myself a stranger in Kiltullagh (no, no), nor do any of the gentlemen whom I see around me. We are all Irishmen, and we should be brothers. Perhaps Father Pelly does not like to displease some of the lords in the neighbourhood, who hold the land under the title granted by Cromwell (groans), or Elizabeth, or the broken Treaty of Limerick." He is apparently under the impression Elizabeth succeeded Cromwell. "Father Pelly may think he has a right to the land, but I tell him he has no right to the land, that the land belongs to the people; and how can it be found that any minister of God, especially a Roman Catholic minister, or any Roman Catholic, can be got to believe that those men holding under the title of Cromwell, can have any right in the soil is more than I can understand." Then he says—"Oliver Cromwell betrayed your fathers' cause because they were Catholics." At Clerhaun, on the 10th of October, Mr. P. J. Gordon says, "Now, I ask you are you satisfied with this system of land robbery? If you are determined men, band yourselves together. I will ask the fair daughters of this locality to combine together, to be in the band equal to the men, and if there is a cowardly man in the village let the brave women force him to the front. . . . . A man could make money and buy a property, and then crush the people. I ask you to combine together and swear before God on High that you are determined to stick to the land of your birth. Why is it, at this time of poverty and distress, that you have not your priest on this platform to-day as your chairman? (Groans.) I don't want you to groan him, but I want you to teach him a lesson. I am a Catholic, devoted to the Church of Rome, and to-morrow, if my Church were in danger, I'd be one of the first to fight for her; and when the late Pope wanted soldiers in the field, I can truly boast that I was the first recruit in the county Galway. My ambition is to see my people free—to see them in the land of their birth; and my ambition is to see the priest with the people. And when the priest wrongs the people I am the first man to denounce him on the platform. Perhaps you do not know why he is not here to-day. Perhaps you are not aware that he is a landlord. At the late election in Roscommon I had been invited to a meeting, and the priest, a Patrick's Day, spoke from the altar of me, and he gave me my Patrick's pot. I made up my mind to go to his parish on Easter Sunday, and I gave him his Easter eggs. I told the people to hold their shillings in their pockets, and let him go live on his 9,000, and the result was that all the collection he got was 16*s*. I will ask you here to-day to teach this new parish priest a lesson, and you will find the next meeting you will get up he will invite himself as chairman. I don't wish to speak against the priest; but the more devoted you are to the Church the better you will be. You know that he is a little land-

lord, and I hope he never will be bigger." The same Mr. P. J. Gordon, who spoke in this manner on more than one occasion of the clergy, attended a meeting at Abbeyknockmoy, county Galway, on the 3rd October. Gentlemen of the jury, the ruins of the Abbey of Knockmoy are celebrated in Ireland. It was at one time a place of great wealth. There the old monks for more than 400 years resided in the abbey, and owned the lands about it, and their bones and the bones of Irish princes rest in the old grave-yard attached to it. It was indeed a solemn place to hold a meeting in, identified as it is with so many associations of home, country, and religion. There was sufficient about it to excite reverence in the mind of every man standing there. But what is the speech of Mr. Gordon? He says, "Allow me to tell you that at this meeting you have traitors in your cause. You have men among you who have made capital of your poverty. But while you have among you four pillars of the Church of Rome, and you have also on this platform the representative of the real Suggarth Aroon in Father Egglinton, and though last not least, Rev. Father Butler. Now I have done with the priests. They are a class in themselves." He goes on—"But I want to speak now about the landlords which surround this locality. I heard an amount of praise given to some landlords, but unfortunately in Ireland a good landlord is as scarce as a white blackbird. I have known one landlord since I was born, in Tuam, and his name sinks deep into my heart. I will not screen the name of that land robber, Robert Henry of Togher. I have seen him yesterday in Tuam with a very smooth face upon him, and they say the greater the rogue the smoother he goes. He is one of those land sharks. When I see before me the motto of that independent nation, the stars and stripes, I hope and trust that the day will yet arrive when the stars and stripes of Ireland will float on the hill tops of Ireland (cheers.)" Again he says:—"On this day week I had the great honour of attending a meeting at Clonbur. I had no idea of being there until the Rev. Father Conway, the poor man's friend. I received a telegram, because he suspected that the letter did not reach me. Well, when I arrived at Clonbur I had the pleasure of hearing that some great land robber was murdered, or shot himself. The Government of England were murmuring because Mountmorres was shot. I don't approve of murdering anyone, but I say that the Government of England did not go into mourning when the people were starving." When Father Conway ever mentioned that dreadful occurrence in his parish he spoke as became a priest and Christian, and enforced the commandment of God, "Thou shalt do no murder." But what does Mr. Gordon say—"that when he arrived in Clonbur he had the pleasure of hearing some great land robber was murdered or shot himself." Gentlemen, in this Mr. Parnell and Mr. Gordon are the same. You remember Mr. Parnell's speech at Galway, when he said, "if the murder was agrarian, which I greatly doubt?" When Lord Norbury was murdered, the agrarian press said it was one of the family who did it, and when Mrs. Kelly was murdered in the presence of seventeen people, it was said it was not agrarian. Now, Mr. Gordon tells the people that he had the pleasure of hearing that some land-robber was murdered, or shot himself. You will bear that in mind, gentlemen. Gentlemen of the jury, Lord Mountmorres bore a title. He was in that sense one of the aristocracy. He was a very poor man, a very humble man, except for his title and name. His property was of the very smallest and humblest description, and, after all the investigation which has taken place, and taking the circumstances of the country into consideration, can there be any question that there was no cause for his murder, except for the purpose of striking terror

into the aristocracy, of which he was supposed to be a member? He was a man, too, whom it would seem it was easy to murder. What does Mr. Gordon, further on in the same speech, say—"Don't rest contented slaves by the fireside. Wherever you know there is a newspaper to be read, wherever you see that Paudeen O'Rafferty's Commandments are read, let you go there and listen to every word, and go home, and . . . that England is here only as a robber. I will ask you for the future that you will pay no rack-rent; you will hold within the bounds of the Land League, and pay no rack-rent. I know there are land-sharks in the village. I will tell you what you will do to them—treat them in the form of a mad dog; and that is, when he appears in the village, every man in the village halloos him until he goes and drowns himself. Do not have any intercourse with him. Do not speak to him; don't speak to his wife and children; and if he go into the chapel, let him go into a corner for himself. Let the people of this parish respect their priest, and let them mark out that land shark—point him out to the priest; let him die, as I said about Castlereagh. He first betrayed his country, and when England had no job for him to do, he went and cut his throat." And a second time he says—"The priest has spoken of a minister who has no appointment from God or man. He stands up to preach over the remains of a dead lord, or a dead dog, if you like. I have been on the spot where he was shot. Why did not the Government mourn over the dead body of the people? I say it is better that one tyrant should fall than that many should perish. I don't wish the murder of anyone, but that he would live and repent. I would much rather that Lord Mountmorres should live and repent. He is gone before his God. Let the Government settle the land question, let them settle the tenants; and as Paudeen O'Rafferty says, 'He has worked from morning till evening often on yellow stirabout, while he hands over to the landlord every penny he can get.' If the Government wish to put a stop to crime let them settle the land question. They have aided the landlords to rob you first and starve you afterwards." After speaking those dreadful sentiments as to the murder he performs the sign of the cross, which every Catholic reveres, by saying—"I ask you here to-day, in the name of God the Father, God the Son, and God the Holy Ghost, to combine as honest men until we get shut of landlordism." Gentlemen of the jury, I mentioned to you that in the columns of the *Nation*, all along parallel with these things, are leading articles and newspaper paragraphs referring to the land meetings which I read as showing that all along the leaders of the organization approved definitely of the movement. Gentlemen, a remarkable meeting took place at Riversville, Co. Galway, on the 19th September. Mr. M. M. O'Sullivan and Mr. Matthew Harris were there. Riversville was the meeting held in reference to Murty Hynes and the terrorism practised on him in order to insure his giving up a farm. Remember, gentlemen, this system of a strike against rents includes a strike against the small landlords. In the early part of the movement the denunciations only appeared to be against the great landlords against men with great estates, like the Marquess of Downshire in the north; the Duke of Leinster in the centre of Ireland; the Duke of Devonshire in the south; Lord Clanricarde in the west, and the Duke of Abercorn in the north-west. But the business men and shrewd farmers who joined in the movement, and were inclined to join in it, from a promise of the transfer of the property into their own hands, very soon perceived that it would never do to abolish the great landlords of

Ireland. I have mentioned four or five names of great proprietors, the management of whose estates is unimpeachable, who are admittedly good landlords, and let their lands to their tenants at fair rents. But in the panaceas for the relief of our country, in getting rid of feudal landlordism, the Encumbered Estates Court and the Landed Estates Court were carrying out a system of selling out the old landlords whose properties were incumbered and bringing in new blood into the country by selling to men—shopkeepers, and traders, and merchants—who made fortunes, and were enabled to become proprietors in their neighbourhoods of comparatively small estates. Gentlemen of the jury, the law of competition settles prices, and by no possibility can any Government settle either the price of tea, sugar, corn, or the price or rent of land. We are all engaged to a certain extent in a struggle for existence. The law of competition, as I have stated, is the law by which ultimately the price of everything must be fixed, whether rent, or the price of land, or any merchandise. Of course it is possible that by some sudden and violent law the property of one proprietor might be transferred to another, and the landlords could all be abolished by an Act of Parliament, or without a valuation the property could be transferred to the tenants. But the tenants themselves insist in the clearest manner on free sale and fixity of tenure, by means of which they would be able to screw the last farthing out of one another. In the progress of the agitation fair rent and fixity of tenure were suggested, but it would not be accepted, and, at all events, it was repudiated by Mr. Dillon. Accordingly, gentlemen, in this odious tyranny which the Land League seeks to enforce one of the articles of the programme resolves itself into this, that no man in Ireland is fit to be a landlord, or shall be allowed to be a landlord. Suppose, gentlemen, the landlords were all annihilated and the land of Ireland transferred to the 600,000 tenants, by what system of skill or ingenuity could they be prevented from letting the land to one another. The thing is absurd. Over and over again that passage of Mr. John Stuart Mill has been quoted. I have read and studied his works, and I know that passage of Mr. Mill. He said the land of Ireland belonged to the people of the country, and the landlords have only a right to the rent or compensation for the saleable value. That is the observation of a statesman, knowing the title to individual property must be subject to the necessities of the people of the State. A monopoly of land is a great monopoly in a country, because land everywhere is practically limited. But the second part of the proposition is omitted by the agitators, and they put on their banners and say, the land of every country belongs to the people, omitting the strict economical definition which says, the landlords have a right to the rent or compensation for the saleable value. Its saleable value is fixed by the law of competition, which fixes the price of everything, of tea and sugar as well as the rent of land. Is the proposition this—that there is no man in Ireland fit to be a landlord except the fourteen defendants? And does not everyone know that if the properties of the Duke of Abercorn, the Marquess of Downshire, the Duke of Leinster, and the Duke of Devonshire were divided between the fourteen defendants, the rents would be doubled in two years. But we are now going through this conspiracy which is a strike at rent and a strike at property. Riversville was the place where Murty Hynes was denounced, and had to come forward and submit to the Land League. Harris there says: "If before these heartless exterminations took place, if before Lord Dunsandle"—another Galway landlord whose name, up to this I had not mentioned, and whom Harris had denounced by name to the execration of a

people—"If before these heartless exterminations took place—if before Lord Dunsandle had done the injury he has done, especially about the district of Kiltullagh—if they had assembled together in their thousands, as you have assembled here to-day, and if they had held up Lord Dunsandle to public opprobrium; if they had made this country too hot for Lord Dunsandle in the sense of a country being too hot for a man who has the hatred of a people against him; if they had done that the exterminations which have taken place upon Lord Dunsandle's property never would have taken place. Therefore, my friends, I say you are here to-day engaged in one of the noblest and most glorious works men can be engaged in—you are engaged in a great work of Christian charity—you are engaged in assisting your fellow man, not by giving him a halfpenny or a few potatoes in charity—though that of itself is a good act—but by doing a work which will be beneficial not to one or two, but to thousands of thousands, to millions I might say, for it will extend itself throughout the whole country. You know as well as I know that the man's friend or brother from whom this farm has been taken was in the past one of the worst instruments that Lord Dunsandle had. Now, I am not anxious to speak in favour of this Bermingham, who has been evicted from this farm. I have stood upon many platforms, but I always speak out my mind like an independent, honest man. It is not that we want to support Bermingham, it is not that we care about Bermingham, it is not that we want to interfere between Lord Dunsandle and the slaves that he has had around him in the past; but we have come to maintain the broad principle that no man should auction a crop, or take land from which another has been evicted." And then he goes on in dreadful language:—"In the Presidency of Bengal, when what they call a 'man-eater,' one of the fiercest of the tiger species, puts his appearance in, the whole of the villagers around are in a state of alarm. The tiger! They do not know when he may devour some of them, and they all come together and make great exertions to drive him from the locality in which he is. So it should be with a bad landlord, his agent, or bailiff; when he comes into a district to oppress and grind them, to put people out of their peaceable homes, you should all congregate together as people do in Bengal, and drive that worst of tigers from your midst. I am sure to-day that, if the tenant-farmers of Ireland had their choice, they would sooner have imported into the country so many lions or tigers, or any other savage animals, than have the landlords they at present have oppressing them. If you do not get up among yourselves a spirit of resistance; if you do not say that you have endured this tyranny too long; if you do not make these people understand that you are not tools for cravens to play with; if you do not show that you have sufficient courage, sufficient sense, sufficient moderation, sufficient judgment and reason, sufficient everything that is noble and right in man; if you do not remember that you are made after the likeness of the Great Being who is over us all; if you do not remember that, and that the true nobility of man consists in his resistance to everything that is vile and tyrannical; if you do not remember these things, and, remembering them, combine to put down everything that oppresses you; if you do not do that, between the bad Government that is ruling over us, and the landlords as they are, and the bailiffs as they are; if you do not consider these things, I fear that those who come after us will say that those who came before them were wanting in the warm blood and generous sentiments that are the characteristics of true Irishmen." Gentlemen, this meeting was addressed by several other persons. We see that the word "slave" is used, and the word "traitors" is used.

Over and over again the words "people's curse" are used—the "curse of the people and their children's shame," and all these words. So again, Mr. Harris, at the meeting at Riversville says:—"Burton Persse, as Master of the Galway Foxhounds, I blame. I tell Burton Persse—I tell the whole of the Persses in Galway—that if they go on oppressing the people, they will have to drop their hunting." Then at the close of the meeting a letter about Murty Hynes is read. Gentlemen of the jury, the Bohola meeting, held immediately after, had a remarkable placard at it, which was the same as the placard at a subsequent meeting, with a promise to contain the names of the land-grabbers of Connaught. Remember that this violent language is used in the wild county of Galway. This cry of "Death to tyrants," and "Death to traitors," is used before that wild and excitable population. When I speak about the gentry of Galway, I may say I have a right to speak about the people of Galway. I have known them well for many years, and they have known me. I think I know the country better than the London Irishmen who only come over here at the time of a general election.

Adjourned till next day.

EIGHTEENTH DAY—FRIDAY, JANUARY 21, 1881.

Mr. Justice FITZGERALD and Mr. Justice BARRY took their seats on the bench at a quarter past eleven o'clock.

Mr. Sergeant *Heron* resumed his reply for the Crown. He said—May it please your lordships, gentlemen of the jury—Yesterday I ventured to criticise the origin and progress of the conspiracy. I referred to the assistance it was getting from America and from certain districts in Ireland, and in particular I referred to the three names of Devoy, Davitt, and Harris. I had occasion, of course, speaking here for the Crown, to speak, I will say severely, about their conduct; but I trust I did not exceed my duty in so doing. And I am aware, from a personal act of courtesy to myself yesterday evening, to which I refer for a moment, that such is the feeling entertained by others. I am not aware who sent me the letter I received—whether from lady or gentleman—but I thank whoever did send it for that act of courtesy to me on behalf of this gentleman. He is not a traverser, he is not a defendant, and therefore I refer to it here. Gentlemen of the jury, I adverted also to the statements made concerning the great distress prevailing in Ireland. My learned friends referred to the loss of the potato crop—£10,000,000 in three years, under the average—and the destitution in consequence of that. One topic of distress, well known in Ireland, alluded to in Parliament, and one of the causes of the destitution in the West, which I know so well, has not, as far as I can make out—certainly not in my presence—been referred to in any of the speeches of my learned friends who addressed you for the traversers, and that, I may fairly presume, for a reason that shall appear at once. I refer to the agricultural distress which prevailed in the east of England and prevented the usual wages being paid to the harvestmen who go over there to reap the harvest. It is well known from official calculation that £250,000 were thus lost in 1879 to the agricultural labourers of the west of Ireland who go to reap the harvest in England, showing that our prosperity is inseparably connected with England's prosperity, and that Ireland's distress is inseparably united with the distress in England. Now I presume that was done by design, because, from your elevated position in that box, you must have seen that my learned friends who appear for the defence in this case have had the ablest assistance—I venture to say—of some of the most learned literary men of the day. We cannot avoid using our eyes and seeing from a distance, the briefs so well and so tastefully got up by Mr. Dillon in this case, and, of course, he obtained assistance as to their contents from literary men and others, the result being the compilation of extracts, which will make, I dare say, afterwards a valuable literary document. No doubt it will. But whether briefed or not, that subject has not been alluded to here. Gentlemen of the jury, I am referring to that matter because one of the places I know so well—the village of Ballyhaunis, in the centre of Lord Dillon's property, is one of those places from which there is an annual migration of harvestmen to the east of England, and which has suffered terribly in consequence of the want of employment last season and the year before. I remember seeing it proved in one of the returns that the poor men who thus go over to reap the English harvest sent home, in post-office orders alone, to that village between £12,000 and £15,000—a fact redounding to their credit, a fact redound-

ing to their industry, their integrity, their thrift, and their love of home, but also showing in the clearest manner that the prosperity of Ireland is inseparably united with the prosperity of England. Now, what was the doctrine preached to these men in Galway and Mayo, suffering under the greatest pressure of distress? In July, at Bohola and at Milltown—the meeting at Bohola being held on the 4th July, and the meeting at Milltown on the 25th of July, dreadfully inflammatory speeches were delivered and placards of even a worse description still were posted. Believe me, when the landlords are called tyrants, when the tenants are called slaves and traitors, when the path is pointed out to freedom by emptying the Minie rifles into the bosoms of those traitors to their cause—believe me that, when at Galway, at Ennis, at Bohola, and at Milltown, the leaders of the movement associate themselves with either Mr. Walsh or Mr. Nally in this wild language, many a wild Galway boy, and many a wild Mayo boy, fired with the passion and desire for revenge, rushes off to buy his Deringer, to buy his revolver, and hopes afterwards to place on it a wreath of shamrock for having rid the world of a tyrant, as Harmodius wreathed his sword with myrtle. Watch the language in the speeches, and watch the language in the placards—see how they correspond. The placard runs—

"TRAITORS IN THE CAMP.

"Men of Connaught—

"A year has now passed by since you pledged yourselves never to take a farm from which another had been evicted, or which had been surrendered because of inability to pay rent.

"Have you adhered to the spirit and letter of that pledge?

"Have there been among you base, sordid traitors, who have betrayed your interests by breaking that pledge?

"Have the land-grabbers, land-sharks, and land-thieves been at their old work in your midst?

"If so, have you done your duty to your fellow-countrymen?

"Have you ceased to buy or sell from the traitors?

"Have you avoided them in the public place?

"If not, attend to it.

"Banish the land-sharks from the society of honest men.

"Leave their corn uncut, their potatoes undug, and themselves to wither under a people's curse.

"Their names, their human names, shall harg on high,
Exalted 'mid their less abhorred compeers,
To fester through the infamy of years."

"Down with land-grabbers, and God save the People."

That is the Bohola placard, and it is repeated at the Milltown meeting, with this addition—"The next issue of this will contain the names and addresses of all the land-grabbers in Connaught who have taken farms from which others have been evicted, or which have been surrendered owing to inability to pay rent. Look out for land-sharks. Down with Landlordism. God save Ireland," These placards are composed with great literary skill. Mr. T. D. Sullivan, in his speech at Ennis, almost repeats these placards, and we can easily see whence they originated—from what they were written or copied. Remember the lines—

"Oh, for a tongue to curse the slave,
Whose treason, like a deadly blight,
Comes o'er the counsels of the brave,
And blasts them in their hour of might.

. . . . .

His country's curse, his children's shame—
Outcast of virtue, peace, and fame."

Great literary skill is exhibited in these placards—ay, and in the speeches too. And the words which our national poet applied to the deserter—the traitorous deserter, who, on the eve of the battle to decide the fate of his country's independence, sold the pass on his brave comrades, betrayed their lifeblood to the tyrant, and doomed his country to perpetual slavery—those words are applied to the poor fellows trying to live, trying to pay their debts, though anxious, no doubt, to add farm to farm and to get on in the world. Gentlemen of the jury, if this be not conspiracy, I don't know what is. They, themselves, admit the conspiracy—they, themselves, admit most of what is charged against them; convict them if you believe them, acquit them if you can. Gentlemen, I regard those meetings at Bohola, and Milltown, and Riversville as of peculiar importance, and how is all this met? I heard an eloquent speech from Mr. Sullivan yesterday; I shall criticise that address in no disrespectful spirit; I have known Mr. Sullivan a long time, and I can boast to say that I once stood beside him as an advocate in the hour of his peril; but one part of that speech I remember and I complain of—it is when he compared the poor harvest labourer from the west of Ireland, going home in a railway train with the wages of industry, and meeting with a railway accident—when he compared him to the dying gladiator, and repeating Byron's lines, stopped short at

"Butchered to make a Roman holiday."

Omitting the last line,

"Arise ye Goths and glut your ire."

I venture to say that poor man got every attention from the railway officials and from the dispensary doctors, and that he was well cared and looked after. He was going home with the wages of industry, he met with a railway accident and the idea of comparing him to the dying gladiator is simply to falsify all history and literature. I have as yet only commented on what Mr. Curran said, because he was appointed to speak to the evidence. My friend, Mr. Dillon, spoke on behalf of the traversers, and made a most excellent joke, advising the shoemaker to stick to his last, and the Attorney-General to the last count in the indictment—a capital thing, and worthy of being remembered, and he will never hear the last of it. My friend, Mr. M'Laughlin, told a story about Brian Boroihme, and a steamboat and a tramcar, and I could not well make out the meaning of it, except that he represented Brian Boroihme taking his place in a tramcar to go to the battle of Clontarf. The next time Mr. M'Laughlin tells that story I would advise him to see my friend, Mr. Peter O'Brien, and take a lesson in the pronunciation of the great hero's name. Gentlemen of the jury, Brian Boroihme was a great man—he was one of the few persons who understood how to accomplish the unity of Ireland. He fought a battle called a victory, but with doubtful success. It was at Clontarf. He accomplished nothing, he fell at Clontarf, and the miserable end of the army of the great Irishman, who appears to have gathered the people of Ireland together, was, that whilst going through the district now called the Queen's county, some of the clans of Ossory fell upon them and almost destroyed them,

"Forget not our wounded companions who stood,
In the day of the fight by our side;
Though the grass of the valley ran red with their blood,
They stirred not, but conquered and died."

Mr. Adams made a capital speech. I have known Mr. Adams for a long time (not so very long after all) and I am proud of my

circuit having so distinguished a junior on it. I was delighted to hear portion of that speech. I could not hear the whole of it, but I read it as reported in the *Freeman's Journal*, which, I presume, did justice to him. I congratulate him upon his speech, and I recognise in him the future leader of my brilliant circuit. Mr. Sullivan is one of those exiles now who have usurped the place of the ancient exiles of Erin—he has left Ireland and lives in London, and as I expressed my wish for Richard Adams, I, in the same way, express my sincere wish that Mr. Sullivan in England, at the English Bar, and in the English Senate, as he himself calls it, may reach the position which another distinguished Irishman now has, as leader of the Common Law Bar of England. Gentlemen of the jury, when I used the expression "London Irish" yesterday evening, it was not in any disrespect to my friends the London Irish. They are proud of the name—it is the name of one of the most gallant regiments of volunteers—"The London Irish." There they are in London, prospering in London—many of them on Gurney's staff; several of whom appeared to such advantage on that table; many of them in the gallery of the House of Commons, showing what Irish wit and learning and genius can do all over the world. These exiles from their country revenge the wrongs of Ireland exactly in the same way as the Scottish inn-keepers every year avenge the battle of Flodden Field. And, no doubt, some of them have prepared the briefs for this trial, and have prepared the evidence for counsel who spoke for some of the traversers. It is my duty to advert to the first and greatest counsel who spoke for them—my learned and eloquent friend, Mr. Macdonogh. Up to the time that Mr. Curran spoke not a single one of the traversers' counsel referred to the evidence that I heard, and that was the meaning of Mr. Justice Fitzgerald's pertinent question to Mr. Peter O'Brien:—"Where's Hamlet"? because up to that time the part of Hamlet had been most carefully omitted. Where was Hamlet, but Hamlet did not reply, "You may call spirits from the vasty deep," but where are they?—where are they? Hamlet O'Brien also spoke wide of the mark, except that in his peroration Mr. Peter O'Brien certainly said the best thing that has been said in Ireland ever since Sir Boyle Roche spoke. But I was on the subject of Mr. Macdonogh, my learned friend, and I have jotted down the stories and topics in ancient and modern history, and the records of the home and foreign policy of the British Government during many years, to which he referred. He spoke on the first day of "the caves and recesses which the mighty roll of the Atlantic causes along the North-west of Ireland. The caves and recesses—the romantic region to which the recollections of his early boyhood pointed in the North-west of Ireland." He then divided his admirable speech, I might almost say, into three portions. In the first portion of it he referred to the life and opinions of Sir John Davies, Dean Swift, Bishop Berkeley, Oliver Cromwell, the Duke of Wellington, William the Third, and Marcus Costelloe. In the second head of his speech, he referred—sometimes with censure, sometimes with praise—to Gambetta, the Duc D'Aumale, the Irish tories, rogues, and rapparees—what splendid associations for the Conservative party, rogues and rapparees—the ancient Romans, the laws of Italy, Spain, Gaul, and Germany, and he then referred to the Zemindars, and the Ryots of India—peaceable peasants, not rioters at all. He referred to Major Purcell O'Gorman, and William Lane Joynt. In the third part of his speech on the first day, he began with a quotation from the illustrious patriot Kossuth. He then referred to Bristol and the Sugar Plantations, and the Sugar Trade; then to Father Matthew, Cardinal Manning, Sir Wilfred Lawson, Earl Shaftesbury, the Quakers, the

Haughtons, the National Debt, Mr. Plimsoll, and Con. Molloy. Now was there ever such a speech since the world began. After that last reference his strength slowly failed him, and he retired; and the following day he came into court like a giant refreshed with wine. On the following day he referred to Westminster Hall, Brinsley Sheridan, Edmund Burke, Warren Hastings, the report of the Riots in the Phœnix Park, and the Riots in Hyde Park, to the Solid Saxon Men and the Norman Conquerors, the Doges of Venice, James the Second and the Great Seal, Stephen Langton, Magna Charta, and the Great Forests, the Salmon Weirs, and the Salmon—that is part of my learned friend's speech—a quotation from his celebrated speech in the Duke of Devonshire's cause about the fishing on the Blackwater—the Barons of England, and the Banners of the Church, and I find he referred to "the winding shore that sweeps round the Norman Keep of Windsor Castle," and says—"There the Barons stood on that hot summer's day." He says—"There I saw with my own eyes a tree—the anchorite yew—which, on the very day the Magna Charta was signed, put forth its blossoms and its buds to the sun. I saw it after 600 years still vigorous in its old age." If my learned friend referred to any book or dictionary about the yew tree he would have discovered his error. Everybody knows that Magna Charter was signed on the 15th June, and it was perfectly impossible, according to the laws of forest culture, that the yew tree appeared to give blossom on that day.

Mr. *Curran.*—There is no evidence of that.

Mr. Sergeant *Heron.*—My friend also said it was a proper thing to refer to Magna Charta and also these matters. I have given, I think, a very fair analysis of my learned friend's speech. He appears to have most strangely resembled the old Roman lawyer, Posthumus, who was a very eminent man in his time, and pleaded all the great causes. Amongst others there is a sketch by Martial of him, which appears to me to be singularly appropriate to my learned friend's speech. It was an action about the recovery of three sheep—what we call trover for three sheep. The Roman lawyer had been talking about Sylla and Marius, and the great wars of Rome, not a word about the sheep. The complaint of the client is in one of Martial's epigrams, and is wonderfully paraphrased by Mr. Hay, and put into an English dress, and I will take the liberty of reading it:—

"My cause concerns nor battery nor treason,
I sue my neighbour for this only reason:
That late three sheep of mine to pound he drove,
This is the point the court would have you prove.
Concerning Magna Charta, you run on,
And all the perjuries of old King John;
Then of the Edwards, and Black Prince, you rant,
And talk of John o' Stiles and John o' Gaunt,
With voice and hands a mighty pother keep—
Now pray, dear sir, one word about the sheep." (Laughter).

Gentlemen of the jury, don't imagine I mean any disrespect to my learned friend. I have known him long and well, and he has given me in legal warfare many a hard knock in his time. I admit myself *impar congressus Achilli.* But I submit, gentlemen, that that is a fair comment in this case. Has he said one word about the sheep in his speech? He has not referred to the language bordering on treason and bordering on sedition. Has he said one single word about what has been proved in evidence? Not one single word. Oh, I had forgotten. Hamlet was called upon, and Hamlet O'Brien appeared, and then

made a speech. I am sorry he is not here—after making a speech, the greater part of which was made in Cork, where he informed the jury there, and the public of Ireland, and the world that his was the only heart of a patriot that beat under a silk gown.—Quite forgetting that there are many hearts beating under both silk and satin quite as good patriots as Mr. O'Brien. The scene has been described to you after that trial in Cork and the acquittal, how his client embraced him and shook hands with him. He told you in his peroration that the Attorney-General had dug up a hatchet—a rusty hatchet—and had brandished it in some manner in this indictment against his clients, and he asked you, or he asked somebody, or the hand of freedom, to enrol your verdict in the annals of the human race and the archives of humanity. That is what we call mixed metaphor. I will tell you what that is derived from. I suppose it is something about a tomahawk and the pipe of peace. It got mixed in his mind, gentlemen of the jury—the references of Mr. Macdonogh were patent, familiar; but this was very mixed. Where did Mr. O'Brien find that quotation? The National Assembly in Paris—they had a great deal of fun in Paris in those days, but they had the guillotine and Bastille as well—the National Assembly was proceeding to celebrate the anniversary of the taking of the Bastille, on the 14th of July. Shortly before that date a gentleman appeared at the bar of the House with a number of persons with him. Some of them were dressed as Poles, some as Russians, some as Turks, some as Chinese, and there was one as an American Indian with hardly anything on him, but a tomahawk. That suggested the reference to the hatchet in my learned friend's speech. The name of this gentleman was, originally, J. B. Clootz, but he called himself Anacharsis Clootz, after the Greek philosopher, and proclaimed himself the apostle of mankind, and the orator of the human race. And he demanded that moment to be admitted as a member of the federation, as the apostle of mankind, and the orator of the human race. It afterwards turned out that these persons were not real Chinese or Turks at all, but only young fellows about Paris dressed in masquerade dresses from the Opera House. He demanded to be admitted, and these were troublesome times, and he was ultimately admitted to the National Assembly by the national vote. The clerk attending, however, went to him and asked to put down his name and record him as a member of the National Assembly. "No," said Anacharsis Clootz, "let my admission to the National Assembly be enrolled in the archives of the human race." Where is Anacharsis O'Brien? Is he there blushing? He is from Clare, and it is little for blushing they care down there. Now, gentlemen of the jury, I ask you, is this not the rhodomontade we have been listening to? Your attention has been sought to be diverted from the issues you have to try. What you have to try is—did the traversers combine and conspire for a strike against rent? Did they try to do this by unlawful means? You have heard about people being threatened with Boycotting, and with being Boycotted; that this has been going on for eighteen months in Ireland; and when men boast of their guilt, are they to be acquitted by the jury? They boast of their guilt. Are oaths gone out of the world? No doubt they are if the Ten Commandments of Paudeen O'Rafferty are the law, the new law—the Commandments set up before the people in this disturbed country. The Attorney-General of course referred to these Commandments. He most reverently alluded to the incident of the Sermon on the Mount. It would do no harm to any man, Christian or Atheist, to read the Divine Commandments and have

them by heart. But they had there produced in court the blasphemous, the infamous production which led the people on the highway of sedition and murder. This is the work of Atheists—the outcome of Communism and Nihilism, but which has happily been defeated in many portions of the country by the good sense and shrewdness of the people who see that they are brought into a conspiracy in which they are deceived. Gentlemen of the jury, I must do my duty, and I recall your attention to the evidence which of course on the *mot d'ordre* of my learned friend here, the leader, was, to a certain extent, obliterated from the court. And as regards the combination, as regards the doctrines, and as regards what are called O'Rafferty's Commandments, I find the same expressions running through almost every one of the speakers' addresses in this conspiracy, from the highest to the lowest. Boyton, at Newtown, says, "There have been evictions in Mayo, Galway, and Tipperary, and the caretakers that are watching these evicted farms and inhabiting these homesteads are the bats and the owls, and God help the man who dares to go near one of them (cheers)." Is that worse than the speech of Nally, who compared the conduct of such men to the robber soldier on Calvary? Is that worse than what Walsh says, that "if such a man be found in your midst don't sell to him or buy from him. Look upon him with scorn, as an unclean thing"? Is that worse than what O'Sullivan said—"If there be an eviction, let no man take that farm. You pledged yourselves not to take a farm from which anyone was evicted. You pledged yourselves never to buy any article which the sheriffs may offer for sale. If there be an auction let the sheriff hold the sale, but let nothing be bought. Let no man take any farm of land, even if he get it for nothing. If there is anybody mean enough to despise the calls of his country, shun him as you would a tiger. He is a moral tiger; for he sucks the blood of you and your little ones. You must hold up your hands and pledge yourselves that you will never take any farm in the future." (Hands held up.) Walsh, at Dooleague, "Point out with scorn any man who will be guilty of such an act. I will go further, and ask that you will not speak to him or that you will not sit at the same side of the church with him, in fact, that you will look upon him as the enemy of the Irish race." I ask you, knowing the people as well as you do—I ask you how any man preaching these sentiments, how any man animated by these sentiments, can ever venture to say the Lord's Prayer, or venture to make the sign of the Cross. Gordon says at Miltown—"Lay your hand on your breast and say if the land you have been working on were taken from you to-morrow would you not harbour revenge in your bosom. I say let there be no scoundrel amongst you to take the land. Look upon him with scorn and contempt. Do not buy or sell with that man. Have the curse of God upon any man who will take the land of his neighbour, allow the grass to grow, and let it wither. Let no man be allowed to cut it. We will watch every man who will dare to take a scythe to cut it (voices, 'we will cut the hands off him, we will cut the elbows off him')." And then Walsh says—"Should anyone be so unfortunate as to be evicted from his holding, let the land be waste; and should it be taken by some bailiff or hanger-on, do not recognize him. Do not speak to him, but treat him as an enemy of the Irish people (a voice—'Give him a ball')." Mr. Walsh, at Kiltullagh, on the 22nd August, again says—"I want a pledge from you that if anyone is mean enough to take the land from which another is evicted, you will not recognize him in the public market-place, or at church on Sunday; that you will not buy from him or sell to him; and, in fact, that you will look

upon him as the enemy of his country, and that you will leave his corn uncut and himself to wither under the people's curse." A new feature then comes in. Up to that time—up to September—the shopkeepers and traders had not been threatened. In September the shopkeepers and traders who would sell goods to these persons who were politically excommunicated were denounced as traitors and informers. Threats began to be used against them. It is impossible to shut our eyes to what was going on. Of course we saw what was called the manifesto of the commercial travellers of England, who subscribed to the Land League. Mr. Walsh says—"I ask you not to speak to him, or buy from him, or sell to him, or recognize him in public markets or streets, or buy from the shopkeeper where he deals. Don't interfere with him, but treat him as an enemy of his country. You must not reap his corn or dig his potatoes. Leave his corn uncut, his potatoes undug, and himself to wither under a people's curse." That is taken from the banners. At Bohola, at Miltown – "Leave their corn uncut, their potatoes undug, and they themselves to wither under a people's curse." That was drawn up, I say, by the same literary men—men of literary ability, who knew the passions of the Irish people. This was, I say, to incite the wild Irish boys of Galway and the wild boys of Mayo, who believe themselves heroes in buying their Deringers and revolvers, and wreathing the shamrock on them, if one of them rids the world of a tyrant. Mr. Brennan, at Clonmacnoise, says—"Above all and before all you must refuse to take a farm from which a man has been evicted (cheers). Let that farm remain waste, let the grass rot upon it; let the crops rot upon it; and if any man is found to take it, or even work upon it, there are a thousand and one ways in which you can punish him—that you can punish him without transgressing the law. I look on this as an educational movement, that is necessary to teach the people their rights." Yes, forsooth, this is an educational —a constitutional agitation. I wonder when the learned counsel was speaking, when my friend, Mr. Macdonogh, in eloquent and proper language described the principles of constitutional agitation, I wonder John Dillon did not rise in court and say, "I despise that doctrine;" I wonder Davitt did not rise and say, "that is not my doctrine." Davitt and Devoy would not pollute their lips by taking the oath of allegiance. "The man who takes a farm from which another is evicted, he will not only be looked upon as a black sheep, but will be looked upon as an abomination of abominations, and that no decent man will marry with his family, and that he will be looked upon as false to his country and his religion." So said Mr. Brennan, at Clonmacnoise. "False to his friends and to everything that a good and honest man should support." Is that worse than Nally, who at Cloneal, proposes a resolution—"That no man shall take a farm from which a tenant has been evicted for an unjust or excessive rent, or in any other way violate the principles of the Land League; that we consider any man who takes a farm from which another has been evicted or which has been surrendered for the nonpayment of unjust rent, as an enemy of the people, and we look upon him as worse than the robber soldier that pierced Christ on the cross." Mr. O'Sullivan, at Riversville, says, "You know your rights, and you know you have nothing to do but in cases like these to assemble together to denounce the land grabber if he does not give up the land (cries of 'Maim him, shoot him.') No, do not speak to him at all. If he goes into chapel keep away from him, and make a ring round him

that everybody may see him. Do not buy or sell from him, and after a little time he will be very glad to give up the farm and go back into honest life again. I will not, in the words of the poet, pray that earth may refuse him a home and heaven its God. I will not, for that would be giving too much importance to him. I would rather let him be amongst you a marked man, a man upon whom every man will look as if 'TRAITOR' was marked with a brand upon his forehead." That is O'Sullivan at Riversville. That is Nally: that is Boyton—Boyton of course, the secretary, the organizer, attending more meetings than any other — he attends twenty-two. Mr. Parnell, the leader, is infinitely worse. Mr. Curran says "Nally meant murder if in earnest, but do you believe him?" Mr. Parnell is in earnest. What does he say in Ennis—"Now what are you to do to a tenant who bids for a farm from which his neighbour has been evicted—(various shouts, among which, 'kill him' and 'shoot him')—Now I think I heard somebody say shoot him, but I wish to point out to you a very much better way, a more Christian and a more charitable way which will give the lost sinner an opportunity of repenting. When a man takes a farm from which another has been evicted you must shun him on the roadside when you meet him, you must shun him in the streets of the town, you must shun him at the shop-counter, must shun him in the fair and in the market-place, and even in the house of worship, by leaving him severely alone, by putting him into a moral coventry." That is the aristocratic policy—"By isolating him from the rest of his kind, as if he were the leper of old." Gentlemen of the jury, according to the Old Testament, the sick lepers, of whom we read there, were treated in that cruel manner. But under the Christian dispensation, in the state of society in which we live, there is now no disease, however hideous, for which there is not provided charity. And even if there were now leprosy in Dublin and in London, the best and the noblest in the land—the noblest ladies in the land, amongst the Sisters of Charity and Mercy, would attend and care with sanctifying touch the wounds and sores of the leper. Mr. Parnell is beyond all charity—he has isolated himself from that charity—as he would isolate the poor farmer from the rest of his kind, "as if he were the leper of old." He adds—"Show him your detestation of the crime he has committed, and you may depend upon it, if the population of a county in Ireland carry out this doctrine, that there will be no man so full of avarice, so lost to shame, as to dare the public opinion of all right-thinking men within the county, and to transgress your unwritten code of laws." This is the new gospel which the Attorney-General referred to when he made his most reverent allusion to the "Sermon on the Mount." Then, copying again the words of the banners, and following the composition on the banner at Bohola, and Paudeen O'Rafferty's advice, Mr. Sullivan says—"Stand to each other like brothers, follow the advice that has been given you here to-day, leave those farms to grow thistles and rushes, and if anyone is base enough to go in on them, shun him ('shoot him'); let him be as an outcast amongst you, and his life will be a life of shame and a life of misery, and the shame will attach not only to himself, but to his children and his children's children." Mr. Boyton at Athy, says—"We will show you how we will settle the land question. Already a dozen of model farms exist in the county Tipperary. They are model farms because they are standing there a living witness that the landlord dare not till the land, and cannot get a living man to strike a spade or plough in it, and he dare not, he is too cowardly, to go there and till it himself. What has brought about this condition of things. Intelligent organization. Organization without which this

meeting and all such meetings will be worthless, and the excitement and the enthusiasm of the time will pass away just as these men to-morrow will take down these flags and this platform, and it will all vanish, and the land grabbers, and the land thieves who are here amongst you will go back to their evil devilish work, of propping up landlordism by taking land. I have had a lesson or two since I came to Kildare, one most particular and painful one. I saw a farm on which was created a homestead from the earnings of the father of the present occupiers. A day or two ago I saw that widow woman and her children thrust out by the sheriff, and by the Duke of Leinster's minnions and tools with forty bayonets of the police. Twelve hours after that woman was evicted from her homestead I saw that man's cattle that had been looking for it when the woman was in difficulties on it (groans). I am here to-day in Athy, within a few hours' journey of that farm, and standing on this platform to-day I say that while I will counsel men to avoid crimes of violence, in the words of James Redpath, that man must be socially excommunicated. I want that man, when he meets his fellow man in the street, if he be an honest Irishman, to look at him with scorn and contempt, for the man to-day in the face of this great movement who will take his neighbour's land or his farm, as you will be called upon to pledge yourselves not to do directly, the man who does that betrays the cause of Ireland, and he is a traitor to the cause of the people, and the cause of the people to-day in Ireland is the cause of God, of justice and of humanity (cheers). I do not intend to make a speech. I want to tell you we have rank weeds growing round us here on the fair soil that was once blessed by the footsteps of St. Bridget. We must root out these weeds. It will not do to pull the tops off them. We must destroy the land-grabbing in Kildare, and I tell you now, had I been in possession of the facts, the whole facts of the evictions that have taken place here two months ago, these evictions would never have been carried out as they were (cheers). If these people have been thrust out from their homesteads created by their own industry, if there is wrong or injustice in their case, I shall particularly call upon every man here at this meeting to-day to hold up and place a protest against the unjust evictions. I shall call upon him by his soul to say that no wretch be found base enough to take that land or occupy it (cheers.) Standing here, I publicly proclaim the lands of the Verschoyle estate from which these people were evicted, and I say that the man who takes that I will hold a indignation meeting at his door if he were the Lord Duke of Leinster himself. I will teach him a lesson that has been taught his base, vile, miscreant class throughout Ireland. It is not the landlord, mark you, it is the men that the landlord that thrust these people out that would have to step in and take their place. In the portion of Tipperary I refer to has been organized there is no living man would even dare to think of taking a farm from which his neighbour has been thrust out, in fact, under no circumstances there to-day would a man take a farm from which another had been evicted, justly or unjustly." Well, then, I find that these expressions, originating on the banners, adopted then by persons not in so high a position, are finally adopted *verbatim* by Mr. Parnell, Mr. Dillon, and Mr. Biggar. Mr. Dillon, at Templemore, says—"By this united action if the landlord in reply to your protest that you will not pay more than a fair rent, if he serves notices of eviction, then report the case to the Land League, in Dublin, and we will have it out with him, and if he evicts any man, looking at this meeting here to-day, I believe that in this and the surrounding

estates, that if he evicts any man, so far from adding to the rental of his estates, he will have an idle farm on his hands, he will have on his hands what I have heard described as a 'model' farm, that is a farm which no living thing will go on, to show what the power of the public opinion of the poople is." That is, according to Mr. Dillon's mind, that if a living man dare go on it he is doomed to death. Mr. Biggar, at Castleisland, said—"You can take care that the land will be of no value to anybody else, you can take care that the cattle shall not be cruelly treated, but that they can stray off the land; the fences will fall down, and there will be no benefit in having that land. These are all means which you can take. Another means was taken in Limerick the other day. A farmer had taken a farm from which the occupier had been evicted He took the produce to Limerick market and could get no buyer. You can take care that any of these shall be a marked man, and shall suffer instead of gain." Mr. Healy, at Bantry, says—"Well, the next man that is evicted you will do something for him. And I would like you to think of the next man that is evicted; and when he is evicted we will go and hold a meeting on his farm, and we will dare any man to take the farm." Mr. Sheridan, at Carraroe, said—"If any wretch be found in the community base enough or low enough to take a farm which has been thrown up from inability to pay rent; if any wretch is low enough and disregardful enough to take the farm—I say if he go to fair or market, hiss him, hoot him. If he has a shop let no man go in and leave a shilling there. Do as they did in Tubbercurry the other day. The land-grabber, Farrel Caully, has cattle to sell; is there a man in the place to buy them? The cattle were left unsold, and Caully had to go into his rat-hole. You cannot, except constitutionally, resist this. By your combined action, you will break down the cursed and unholy head of landlordism in the west of Ireland." Mr. Brennan, at Westport, says—"You must refuse to take the farm of the evicted. You must let that farm remain there idle as a testimony to the fidelity of the people, But should there be such a wretch in the community found to deal in stolen goods, to make money upon the misfortunes of his countrymen, then you must visit him with the severest sentence of social ostracism. You must not allow your children to speak to his children. You must not deal with the baker who would sell him bread, or the butcher who would sell him meat. You must refuse to enter a house the threshold of which he would be allowed to cross. You must leave him severely alone and let him wither under a people's curse." Gentmen, again, remember the lines of Moore:—

"Oh! for a tongue to curse the slave,
Whose treason like a deadly blight,
Comes o'er the counsels of the brave,
And blasts them in their hour of might.
His country's curse, his children's shame,
Outcast of virtue, peace, and fame."

That meeting was at Westport. What do we find in the *Nation* of the 29th of May. There is a paragraph in the *Nation* headed—"Evictions in County Mayo."—"A man named M'Donogh, living at Balla, county Mayo, who had taken a farm lately in the occupation of a widow, has been summoned by the Branch National Land League to explain the act, and to abandon all claims, forfeiting a year's rent. Notices are posted up threatening the life of any one taking a farm." That was published in the *Nation* of the 29th May. Mr. Dillon, at Holyford, said—"You must stand together and not allow one man or

two men to be crushed. You must all go in the same boat, and sink or swim together, and if a landlord attempts to clear the whole of his estate, let him, and we will build little cottages round about on the borders of the estate (cheers). If you stick together, I do not believe any man will be found brave enough to come in and take possession of your farms. Now when any man is evicted unjustly, and after the Land League have declared that it is unjust to evict him, what are you to do with the farm? Turn it into what we call a model farm, a farm on which no living thing can go." Mr. Biggar, at Bailieborough, says—"When we talk about the curse that falls upon a man who commits murder, I think a similar curse falls upon a man who has the cupidity to take the land from which another has been evicted." Mr. Brennan, at Carrick-on-Shannon, says—"You must refuse to take a farm from which another has been evicted. A man that takes such a farm is infinitely worse than the man who has caused the eviction; and should such a man be found in the country, then you should visit him with the severest sentence of social ostracism; the vengeance of the people should fall heavy upon him. There are a thousand ways in which you can punish him without violating the law. There is no law to compel you to speak to him; there is no law to compel you to sell him goods; there it no law to compel you to deal with the man who would sell him goods. This is now the programme of the Land League." Mr. Dillon, at Clonmel, said—"If evictions are attempted, communicate with the League in Dublin, and it will defend the farmer in the Court, and if he is defeated there and evicted, we will put a ban on the land. Call a meeting, and pledge the neighbourhood that no one shall touch it or speak to any man (cheers). Then we not only prevent it being touched, but prevent it being used. If it is put to any use some man must be employed to take care of it; let that man be outlawed, and let no man speak to him or deal with him, and you will bring him to reason very soon." Mr. Biggar, at the meeting in Bawnboy, county Cavan, on the 30th October, said—"The grass should have been left on the land (hear, hear). Any tenant farmer or any labourer who assists to take the grass from any land from which the occupying tenant has been evicted, or in any case in which the landlord has acted unfairly towards the land, is a curse to the country in which he lives, and entitled to the reprobation of every one who knows him (a voice—'Down with him)'." Mr. Sheridan, at the same meeting, said—"If you see him at church or chapel, fair, or market, pass him—hate him. Let him be a thing of loathing; a leper so unclean as not to be fit to be touched or associated with by any of his fellow-men. If he has cattle to sell, let no man bid for them; or cattle to buy, tell the unclean wretch to move away from you (laughter). If he has potatoes to dig, or stubble to dig, or corn to cut, or anything else, let him go out and do it himself (laughter). If he has a shop, and offers goods for sale, let no man who has respect for God or country leave a penny in the house (cheers and laughter), Let him eat his stock-in-trade; when that is done, let him go away." Mr. Leamy, at a meeting in Tipperary, on the 31st October, said:—"It is in your power to render evictions unprofitable. You may not be able to throw a man on his hands, but you can leave his farm as desolate as a tenantless grave, and if any man should be found base enough to take a farm from which another is unjustly evicted, you know how to deal with him. Do him no hurt or harm. Leave him alone—leave him to his conscience and his God. You need not buy with him nor sell with him—you need not give him a help or even a greeting should you meet him on the roadside, at the market place, or even at the church door you need not say,

'God save you.' Do not visit him in his weddings or his wakes, in his joys or in his sorrows—let him feel that he stands alone. If now that you are combining for this great, and, I trust, final struggle against landlordism, any dastard should desert from your ranks to take the landlords' side, let him feel that he stands alone—a renegade against the order he betrayed (cheers)."

Mr. Justice FITZGERALD.—What was the speech you read before that?

Sergeant *Heron*.—It was from Mr. Sheridan's speech at Bawnboy, on the 30th October, 1880. Mr. Sheridan was introduced as the representative of the Land League in Dublin. Gentlemen of the jury, at many of those meetings the name of Mr. O'Connell was mentioned—the name of that great man. As I said yesterday, the gallant rebels of Wexford took to the hill sides with their priests, and fought and died for their country. They never entered into a conspiracy not to pay their rents. Daniel O'Connell dreamed of restoring the independence of his country. "Dreamed," say I. He toiled and worked for it all his life. He founded that magnificent organization—the Repeal Association—and he hoped to see Ireland governed by the Queen, Lords, and Commons of Ireland. An attempt was made to use that vast organization, at the head of which were some of the first men in Ireland, and some of Ireland's truest patriots—an attempt was once made to use it for a strike as against rents. Daniel O'Connell denounced it in his place, and expelled Mr. O'Connor from the Repeal Association for having ventured to propose a strike against rents. That fact should not be forgotten. It was said indeed, that the prosecution in this Court killed O'Connell. We all know what drove him from political power. We all know the party—now that he has passed away, to be mentioned as a matter of history. We all know how the Young Ireland party rose against him, and Daniel O'Connell died in Genoa, a broken-hearted beggar, execrated by the Young Ireland which he had nursed and sustained. I mention his great name because it was mentioned constantly here. O'Connell did say that the man who commits a crime gives strength to the enemy, and he did over and over again insist on the excitable people of Ireland that they should commit no crime, and above all "Thou shalt not kill—thou shalt do no murder." Every time I find his name mentioned in the reports of these speeches it is mentioned with contempt, and every one says that he does not agree with the doctrine of O'Connell. It is the old story about the dead lion — these people casting miserable aspersions on his memory. Gentlemen of the jury, I said that in this matter, although Mr. Parnell speaks, as I always see he does in smooth language—Mr. Biggar in very smooth language—and Mr. Dillon in eloquent language, —these three take up and use what I call the treasonable banners, and weave them into their speeches, and insist on carrying out this conspiracy, against whom? Against the tenants of Ireland, to make them do the behests of the Land League, and adopt the new gospel of hate and murder throughout the country. Mr. Biggar says, at Kinlough—"Then, suppose the matter has gone to another step worse, suppose the tenant is finally evicted from his holding, then the local Land Association should have its members spread through every townland in the whole country, and they will take care that if anyone is vicious enough to take this land from which a former tenant has been dispossessed, that such representations shall be made to anyone who has the viciousness to take this land, and bring such representations to bear upon him that he will not take this land—that it will lie waste, and also will make such representation

that no man should work on the land on behalf of the landlord—such representation to all the neighbours that they would not send cattle to graze on it. They should take care also that if the land is allowed to grow in grass that no man should win the hay and move the hay from the ground on which it grew." Then a man in the crowd says—"A big windy night might blow it away." Mr. Harris, at Loughglin, says—"Taboo such a man, ye must isolate such a man, ye must leave him that he and his friends will come to their knees for to beg—to beg to be apologised for the crimes they have committed against the people and against the country." Mr. Biggar, at Dungannon, makes another speech;—the idea of such a speech being made in Dungannon. He says—"As far as your influence extends, take care that no one else takes the land from which your friends have been evicted. I need not point out to you the means which should be used—you all know them—there are fifty ways—do not speak to him—do not speak to his family—hoot him, and go the other side of the road—(here there was a tumult in the crowd)—do not buy from him—do not sell to him—put him entirely in what is called "coventry;" and the result will be that it will become so unpopular in the country for any man to take land from which another has been evicted that the fact is, the thing will become impossible, and it will cease to be practised. Then, suppose the landlord attempts to cultivate this land himself—well, I need not tell you, there are many ways in which you can make it uncomfortable for him in regard to cultivation by himself. Let him plough the land himself—let him sow it himself—then, after it is ploughed and sowed, let him himself gather in the crops, and take care that anyone who works for him gets no countenance from any of you. In that way you will make it impossible for this man to make out of the land." Gentlemen, have they not over and over again, I repeat, boasted of their guilt, and when a man still boasts of his guilt—when a strike against rent is avowed—when the threat now is that the strike is to be against all rents on certain events happening—again, I say, out of their own mouths you must judge them, convict them if you believe them, and acquit them if you can. What were the means by which this conspiracy was to be carried out? In one word, by terror—by combination and by terror. Mr. Dillon, at Kildare, says:—"If the people desire to put down landlordism, the only road to this is to have an organization in the country, that every farmer shall belong to a branch of the Land League that exists throughout the country, and that all the young men shall be prepared to march to the meetings, and in proper order too. And when we have that organization perfected, let the word go out that no farm from which any man has been evicted shall be touched or used until the rightful owner shall be put back again (cheers.) In the county of Mayo, where the organization is pretty strong, we have many a farm lying idle, from which no rent can be drawn, and there they shall lie; and if the landlord shall put cattle on them, the cattle won't prosper very much. You must teach the landlords that if they evict tenants they will not be the richer, but the poorer; and if any man that comes and takes the farm from which a tenant is evicted, show him in a hundred ways that it would be better for him not to have taken it (cheers; a voice—'Give him the ball'), without raising a finger to harm him. All your meetings will be useless except they are followed by work—unless you work at home by organization in every townland. We ask of you in every townland two men who are not afraid of any man. Give each of these a book with the names of every man in that townland. They will go round to all these men and ask everyone of them to join the

Land League; and in this way every man who refuses is known to turn his back upon the people. I believe that every nine out of ten will join (cheers). When any man gets into difficulties the Land League helps him, and if he is turned out the League will assist him. These organizers shall report to the branch of the Land League how many men they can march to these meetings, and they shall be able to march to these meetings like a regiment of soldiers. There will be more effect in 200 young men marching to a meeting under the command of their leaders than in twenty speeches. Let us then gather together the leaguers of the country and march them to the meetings, and I am sure it will stay the landlords before they put you out (cheers). This is the work we lay out for the League this autumn, because it is in its infancy. And I will tell you what the League will do if the landlords refuse to do justice to the people. When we have enrolled 300,000 Irishmen as members of the League, if the landlords insist on not doing justice to the people, we will give out the word to strike out against rent entirely, and pay no more until justice is done to them (cheers). With 300,000 people enrolled in the Land League no rent can be enforced in this country, even by all the armies of England (cheers)." O'Sullivan, at Dooneen, says, "Let there be a Carraroe in every village if necessary, and a united branch of the Land League," then there was a cry of "We will." "It has been got up to prevent people paying any rent until the land question is settled. It is absolutely necessary that you must act like one man in this business." Dillon, in Cork city, says—"Here is the card we circulated in thousands in Ireland, and every farmer through the country has this card in his house. First, to put an end to rack-renting and eviction. 'Is that assassination?' Second, to effect a change in the land system in Ireland as will put it into the power of every Irish farmer to hold the land he tills on fair terms. Well now the means we propose—I suppose the landlords will say it is by shooting the landlords, and the means are—Organization amongst the farmers for the purpose of self-defence, to purchase no cattle or goods which may be seized for the non-payment of an impossible rent, and by public meetings, to show the injustice of the present system; a resolute demand for the reduction of excessive rent. Fourth, temperate but firm, resistance to oppression. These are the means which we propose to adopt; and I may point out that the means which have proved already more effective to protect him against oppression than years of agitation is, that of refusing to take a farm from which his neighbour has been evicted, and refusing to purchase cattle. Now, I should like to explain that last passage, temperate, but firm, resistance, means that when an estate is rack-rented, and when we advise the farmers on that estate to tell their landlords they will not pay that rent, we do not mean that we shall resist the police in their attempts to carry out the law. I do not wish to expose our people. I do not consider they can successfully carry it out, nor does it mean to shoot landlords, nor does it mean to commit injury to property, but it means that we can get up, . . . that they will defy the landlords, and say 'This much you shall get, and no more.' Then comes into play our other principles. If he evicts the whole estate, the . . . support the farmers, and hold meeting after meeting with the object of not taking the farms—not to assassinate any man, but to bring public opinion to bear upon him by not speaking to his children and refusing to purchase or deal with him at fairs. These are the rights of the farmers; and we have tried in several localities, we have succeeded so far to keep these farms empty." Boyton, at Athy, says, "I came here commissioned by Charles Stewart Parnell to establish the

Athy branch of the Land League, and I have done it. You must organise every townland; in each townland one or two men ought to go round with a list of the farmers of that townland, and ask each man will he not join the Land League or will he desert the people. Give every man a chance to stand by his people, and organise in that way the farmers of every townland." Sexton, at Oulart, says —"Bind yourselves together with bands of steel, which will unite every man of the farming class." Sullivan says—"We will so organise the Irish counties, as that they will want extra police in every county in Ireland." Walsh, at Bantry, says—"In conclusion let me ask you to-day, each and every man of you, to enrol yourselves as members of the Land League, and I would ask you still further to march to the meetings with measured step and military precision, to go hand-in-hand in your masses—

——"dense, resolute, strong,
To war against, treason, oppression, and wrong."

Parnell, at Longford, says—"The Land League, the National Land League of Ireland which I represent here to-day, has not yet decided where along this line we shall halt. The extreme limit of our demands when the time comes must be measured, as I have said repeatedly in other places already, by the result of your exertions this winter." Sheridan, at Carrick-on-Shannon, says—"Now, let me see that in future, at the next election of poor law guardians, no man shall go in to represent any division but a Land Leaguer; let me find at the election of town councillors that no man will get a place there but a Land Leaguer. Let me find that when a brewer or a distiller in Ireland shall begin to vend his whiskey or his porter, you shall not drink it if they are not Land Leaguers. If any man declares against the principles of the Land League, shut his house up if he dares." Here is a conspiracy against trade. Then continues—"If any fellow should go behind the back of an evicted tenant, and attempt by any sort of means, direct or indirect, to seek the possession of the evicted farm, let him be pointed at at fair and market; let him be hissed; let him be hooted; do not strike him; do not break the law. You can point him out, too, as I saw done the other day at the fair of Tobercurry. When a land-grabber sent in his cattle to be sold there, the bellman went out and said, 'Mr. So-and-so has sent his cattle to the fair; is there any man to buy them from the land-grabber?' They were moved around from one part of the fair to the other, a crowd of farmers followed them—the land-grabber's cattle. They had to be taken home, I believe, and turned out on grass, or I do not know what else he might have done with them; but when he wanted his horse shod there was nobody to shoe him; when he wanted his potatoes dug he had to go out and to work his burly little carcase at the potatoes himself. When he wants some turf to boil his potatoes for dinner he has to go and put the creel on his back; nobody will sell to him; nobody will buy from him; and by-and-by, when his stock-in-trade is consumed he will be able to pack up his bundle and to get out. By this sort of organization you will be able to break down this system which an armed revolution might fail in prostrating. But above all things, there is one thing I must tell you. You have to rely upon yourselves as men. You have to organize the strength and manhood of your country together, and while moving along in this constitutional agitation, you must make up your minds that, come weal or woe, that once we are a united people, if we do not get our rights and our liberties

constitutionally, like earnest, stalwart men, conscious of the dignity of their demands, conscious of a feeling that moves within their breast, and conscious of their own rights of freedom and independence, that you must at any cost have Ireland a free and independent country." Gentlemen of the jury, is it any wonder that the learned and able counsel for the defence—Mr. Macdonogh, Mr. Samuel Walker, Mr. M'Laughlin, and Mr. Peter O'Brien—not one of them read a single line of those speeches; that task was left to the boldest in courage—to my friend, Mr. Curran. We, of course, could see what was going on. Mr. Samuel Walker is a sporting man, and he will understand the allusion. In the early part of the trial, they were under Mr. Macdonogh's lead; to use a sporting allusion, they were rather like a lot of wild Irish red setters.

Mr. *Curran.*—That is not the case, my lord.

Sergeant *Heron.*—Wild Irish red setters, spoiling every good point by jealously racing and rushing over it, and steadily refusing to back. At all events in the latter end they obeyed the word of order from the heroic old chief—and properly did so—and steadily obeyed his order not to mark or touch the evidence; but Mr. Curran, as "forlorn hope," gallantly went at it with the courage of his name and race, and did it right well indeed; but he is the only man, I repeat, who touched upon the evidence.

Mr. *Dillon.*—I beg your pardon, Sergeant Heron.

Sergeant *Heron.*—Oh, I admit my friend did make that capital point about the shoemaker, and the Attorney-General sticking to his last. We will never hear the last of that. Of course he did; but, gentlemen of the jury, remember now that significant question from the Bench, "Where is Hamlet?" Where is Hamlet?—where is Hamlet?—because the play was being performed with the part of Hamlet left out. A very remarkable thing. I suppose it is only a good story. I don't see how the play could be performed on the stage, without the part. It is performed here. That speech of Sheridan's I have read it for the Crown. Suppose my learned and able friend sitting behind me, with all the acuteness of vigorous youth—I have not used that expression old friend of Mr. Macdonogh, nothing of the kind—he is my young friend—although not quite so young as he was twenty years ago, but he is more vigorous than ever, watching the case with the vigilance and acuteness of the most able Nisi Prius lawyer in the United Kingdom. That speech of Sheridan. What could he say about it? Is not that boycotting? Is not that a conspiracy against trade? What is the meaning of this:—"Let me find that when a brewer or a distiller in Ireland shall begin to vend his whiskey or his porter, you shall not drink it if they are not Land Leaguers—if any man declares against the principles of the Land League, shut his house up, if he dares." You must, at any cost—that is, at any cost of rebellion or high treason—have Ireland a free country. There, now, you see the reason why these speeches were not read. How can counsel for the traversers read speeches to show the guilt when they are instructed to deny the guilt, which cannot be denied? That would bear ten times as powerfully against the defendants read by Mr. Macdonogh than by me—ten times as powerfully, because it is a confession——

A *Juror.*—Is that a constable's report?

Sergeant *Heron.*—No, sir. That is the report of the Carrick-on-Shannon meeting, reported by a gentleman belonging to Gurney's staff. The reporter was Mr. Harry—you may remember him. I may say now that really these gentlemen—the London Irish reporters

—many of them are Irish living over there—have, to a certain extent, as regards their accent, became often, as many Irishmen do, more English than the English themselves. But the accuracy of that report could not be questioned; or, I will say, the accuracy of any of the reports, and I will tell you why, gentlemen of the jury. You all saw that properly the defendants were represented by three gentlemen who understood everything about reporting. No people in the world, no counsel at the Bar, even in England or Ireland, understand reporting better than Mr. M'Laughlin, Mr. Sullivan, and Mr. Adams. Of course they knew what Gurney's staff was—the marvellous accuracy with which these gentlemen in every quarter of the world report what is going on—many of them Irishmen—the staff of English reporters, they have been seen in all the battlefields of the world, at the barricades of Paris, jotting down their notes, while the bullets were flying about them. There is no danger here—but the report is perfectly accurate. With reference to the Constabulary reports, who challenged their accuracy?—not, of course, so complete as those of Gurney's staff. They were cross-examined by comparison with the *Freeman's Journal*, and I must say that my learned friend, Mr. Adams, did ably cross-examine them on the subject. He well understood how to do it, but I fail to see the logic of proving the inaccuracy of the Constabulary reports by alleging that they "cribbed" from the *Freeman's Journal*. I could not see the logic of it. Perhaps I was wrong to expect it. At all events, they were examined, they were cross-examined, they told frankly and freely what they saw. I must say the appearance of those young men on the table appeared to be most creditable to them. They are the sons of Irish farmers, of Irish peasants, they appeared to me in manner, demeanour, education, and courtesy to show an example, I will say, to many people. And there they were—some of that body of the loyal Irish Constabulary, on whom and on the gallant Irish regiments here—now that society is reduced almost to its elements—we depend for our lives and property. Gentlemen, as regards the accuracy of the Constabulary reports and the accuracy of the reports of Gurney's staff they cannot be questioned. These gentlemen were cross-examined, properly cross-examined, sifted thoroughly—I don't object to a little roughness being used towards a witness, it is a test of truth under certain conditions, which I say have not been abused in this trial. And Mr. M'Laughlin, Mr. Sullivan, and Mr. Adams, with all the keenness and ingenuity that practice and skill gives them, they cross-examined them. Have not the Constabulary borne the test? As regards the accuracy of the reports of Gurney's staff, they are unquestioned. In no speech was the accuracy of these reports questioned, and allow me to make this observation,—the *Freeman's Journal*—as appeared by the cross-examination of Mr. Adams—the reporters of the *Freeman's Journal* did properly omit any bits of strong language, any bits savouring of murder or treason, because a respectable journal thought it right not to publish such things. But you remember Mr. Nolan's cross-examination of one of Gurney's staff. He actually made him read out a bit—I won't now repeat the gentleman's name—in which he recommended the landlords getting the point of the bayonet, and that gentleman is by no means obliged to him for that. That bit was not read by the Attorney-General. In the same way he caused another bit to be read—a strong observation, I don't wish to repeat it now; and in reference to one speech, cross-examined from the *Freeman's Journal*—in reference to a priest—a most intimate friend of my own—at the Tipperary meeting. It turned out in regard to that speech not one word

of it was spoken at that meeting. And his lordship would have allowed the evidence that the speech was made at the meeting. The reporter of the *Freeman's Journal* could have been called as easily as possible, he would have been allowed to look at the newspaper if his notes were lost, as these prints were used in evidence by the shorthand writer on the table, and as the *Daily Express* was used by the gentleman who proved a a Land League meeting in Dublin for a purpose their lordships know. Therefore not one single reporter of the *Freeman's Journal* has been examined to contradict Gurney's staff, or that accurate and respectable body of young men of the Royal Irish Constabulary, who learned shorthand as part of their education, and who have shown that quickness of eye, and that quickness of hand, and cleverness about it which has made the gallery of the House of Commons long since, or I may say now that gallery (indicating Press gallery), well known and respected all over the world for genius and accuracy. Gentlemen so much as regards the Constabulary — so much as regards the combination and the threats of terror and of violence. It is not less a conspiracy or a strike against rent, because it savours of high treason and of Communism — this little ripple in Ireland of the great wave of Communism in Western Europe, which tried to burn Paris once, and may ultimately destroy western civilization. This conspiracy in Ireland for a strike against rent could not by any possibility succeed unless its teachings were associated with Communism and infidelity. It is very remarkable in the progress of the movement (about the month of September) the way the attack begins about the men who bought land in the Landed Estates Court. I always thought that with a natural desire for the preservation of property, I always thought it was an honourable thing, and to be encouraged, that the lands said to be locked up in the hands of idle and improvident landlords—the Irish landlords—should be set free, and that respectable traders and shopkeepers, or farmers, who had saved money, should be allowed to spend their two or three thousand pounds in the purchase of land, have a home and farm, should become an independent class, not very small proprietors, but an independent class of men living on their land, having some tenants and living peaceably and quietly with those about them. Gentlemen of the jury, I have heard a great deal of observations, during the progress of this trial, upon the laws of other countries, and in those speeches and in this Court you have been told over and over again that landlordism has been abolished everywhere in Europe except in England and Ireland, and that landlords do not exist. Gentlemen of the jury, you are told in these speeches that the landlords were abolished in France——

Mr. *Sullivan.*—My lord, no one stated that no landlords existed in other countries—quite the contrary ; no one stated it.

Mr. *Curran.*—We said there were very few, save in England.

Mr. *M'Laughlin.*—No counsel in the case being found a lunatic by inquisition, for there was no such statement made.

Sergeant *Heron.*—Here we are again (laughter).

Mr. *M'Laughlin.*—Of course I mean the present company excepted.

Sergeant *Heron.*—Gentlemen, you see the old insubordination of racing over the point and spoiling it, and how each counsel contradicts the other. Walsh says, "I tell you the land of Ireland is yours. If you stick to the Land League under the leadership of Charles Stewart Parnell the land of Ireland will be in the hands of the people. We were told that we were speaking Communism, Nihilism,

and a hundred other isms because we told the people that the land of Ireland, like the land of every other country, was made for the people who cultivated it, the same right as ycu have to the air, the water, and the sunshine." Would counsel for the defendants read that statement, or what counsel for the defendants could justify it, or what counsel for the defendants will say now that this has not a tinge of Communism and robbery? Walsh, at Ballinlough, says—"I have heard that a great many landlords have bought their land in the Landed Estates Court. They say they don't hold the land under the title of Cromwell. I hold their title is not good also. If a man sells a stolen horse, and another man comes into the fair of Ballinlough and buys the horse, I say he is not entitled to keep him. In the same way the land was yours." These men speaking to these excitable people living on the land tell them the title to this land (although he does not know whether it is or not) is Cromwell's title, who cleared Ireland, who confiscated Ireland, and that was in the year 1649, and the succeeding years. They compare the respectable farmer or shopkeeper who dares to buy in the Landed Estates Court, and holds the land that he has purchased with the fruits of his honest industry, to the purchaser of a stolen horse. He says—"The lands is yours, and if a man buys a horse, knowing the horse has been stolen, he is not entitled to keep it." And in the same way, from the platform of the Land League, he says—"The land is yours." Is not this Communism—that property is robbery? Brennan, at Milltown, at that remarkable meeting, says:—"These lands you have belongs to you. They belong to you who have saved them with your sweat, and there is nothing morally wrong in saying that you will protect those fruits with your strong right arms." And, speaking at Keadue, he says:—"You have as much right to that land as you have to the free air of Heaven, and any man who goes to take from you the fruits of that land is a robber and plunderer." There are the new rights of the Irish people;—What I call the New Gospel of hate. At the same meeting he says—"The land of Ireland is yours." And Walsh, at Killtullagh, says—"God made the land as he made the water. The land is yours, and no people have the right to that land compared with your right. That land is yours, and Lord this or Lord that has no right to that land, for God Almighty gave the earth to the children of men." O'Sullivan says at Clonakilty—"What right has landlordism? Come to its rights. Where has it got that right which is the right of the people, which is the right of the land. Is it not the people, the people whom God created to enjoy the fruits of the earth, and who created the fruits of the earth for them, and not for the idlers, the non-workers (cheers); it is the man who tills, the man who labours from year's end to year's end, who is the rightful owner, and it is only by the apathy and disunion, aye, and I must say the ignorance of the people of their rights that has caused them to be appropriated by landlord power in Ireland. We have, to a certain extent at these meetings, and from the public Press, dispelled the ignorance." Walsh, at Ballinageeragh, says—"I hold that the land of Ireland belongs to the people of Ireland. Almighty God made the land as he made the air and water for the people. He never ordained that a few lazy and good for nothing individuals should own the land. The only thing the people of Ireland is willing to accept is that the tiller of the soil shall be the owner of the soil." Brennan, at Clonmacnoise, says—"This is not merely a movement on behalf of the tenant-farmers of Ireland against the landlords of Ireland, it is a movement of the workers of Ireland against the class who have been robbing you (cheers), against a class who despise

labour in every form. It is the uprising of the democracy of Ireland against the privileged few who have been living on the profits of your labour (cheers). It is the rebellion of men, who, for a long time, not knowing their rights, have bowed under the weight of oppression, and who now, knowing that God did not create them to be the willing slaves of any class, who know that they came into the world with the same rights as him who is called lord, take their stand upon these rights, and hurl defiance into the teeth of their enemies (cheers)"—the Lord Lieutenant of Ireland or the Archbishop of Dublin." And then that defiance is given to the Lord Lieutenant and the Archbishop of Dublin, Dr. M'Cabe. The cries of the crowd are "Away with them; down with them." "This meeting here to-day of the labourers, and farmers, and the artizans lays the foundation of a fraternal brotherhood of labour which alone can save man's right, and which guards man's rights from the coercion of monopoly and the tyranny of capital. This is not merely a farmers' movement; it is a movement of the workers of Ireland—of the workers of Ireland against the idlers. It is the duty of the whole industrial classes to join in that combination." Boyton, at Carndonagh, says—"God created the land to be as free to render you the means to sustain life as the air and as the water. From the land on which you are born you are entitled to assistance to sustain life, and from that land created for you, you are entitled to draw the means to feed, to clothe, and to house your wives and families (hear, hear). The man or the men, or the system that steps in between you and that right, steps between God and his ordinances in your regard." Gentlemen of the jury, I shall give you passages, especially in Mr. Dillon's speeches, when increasing, not in wildness, not in determination, but in more open expression, more open defiant expression of his power, especially as he felt his power when the meetings increased to fifteen meetings every Sunday in October and November, and when he boasted every Sunday that a hundred thousand at those meetings were pledging themselves against landlordism in Ireland. Have not the speeches I have read to you, have they not convinced you that this organization was a strike against rent and a strike against landlordism. Biggar, Parnell, Dillon, Boyton in these months I have mentioned said the same thing over and over again. Some persons, like Mr. Sexton, condescended to say the landlords ought to be bought out, but invariably the quotation from John Stuart Mill, "that the land of Ireland belongs to the people of Ireland," is given so far, and the passage about the landlords is omitted—"the landlords are entitled to the rent or compensation for its saleable value." Mr. O'Sullivan, at Killorglin, says:—"In Cork, on last Sunday, we pledged the people never to buy the goods or produce of a farm from which a tenant was evicted, or which had been sold for rent." Mr. Biggar, at Dungannon, says:—"First of all, if he brings an eviction, or brings a claim for rent, defend the action in a court of law. If you are beaten in the court of law, and he actually seizes the crops of the man for an unreasonable amount of rent claimed, take care that none of you yourselves, and take care, as far as possible, that no one else bids for any of the produce of that seizure." Are the landlords to be abolished? Do they not give the people, over and over again, the example of France and the French Revolution? And the murderous scenes of the French Revolution—are they not referred to with exulting enthusiasm? That was an example of a compulsory emigration of the landlords on the vastest scale. The entire nobility of France almost—the great majority of the nobility and gentry of France—were on the side of Royalty, and were exiled by the Republicans, and their lands confiscated. If the

fourteen traversers had the power now, they would do that in Ireland. I appeal to history. There was once a Parliament in Ireland in which men like Boyton and Gordon and Dillon and many other of the traversers got seats, and for a brief time had it all their own way—the Parliament that James II. summoned to Dublin Castle. And in one short week the tremendous Act of Attainder was passed, by which 1,800 persons were attainted and their lands confiscated. Think you that the men who mention the gentry of the county Galway and Mayo in terms of execration from public platforms and told these old tales about them which they were challenged to prove in court and did not—think you that if they had the power they would not now involve the landlords of Ireland in a vast act of attainder? Look at contemporaneous history. I have seen a gallant nation fighting for its liberties, and when the Servians got rid of the Turks, what was the first law of their Parliament? "No Mahommedan shall hold land in Servian land." I think the defendants had their opinion as to who were the Mahommedans of Ireland. I go now further into their attacks on landlordism. Harris says, at Knockcroghery, "I tell you that we have a long distance to go yet before we can bring the enemies of our country to our feet. We have borne it for a long time, but we will bear it no longer." Mr. Brennan, at Cardenstown, says —"They cannot restore the two millions of your people they murdered in 1847; and this is the institution and these are the men that some land reformers told us that we should make a fixity in the country. France, when she was getting shut of her landlords, did not give them twenty years' compensation. No, she gave them twenty feet of a rope." And I am told that these speeches did not contain a statement that landlords had been got rid of in France and other countries. Boyton says, at Dunmanway—"We have at the back of that more than great agitators had before. We have moral force, and we are going to use it; and perhaps we have something in the shape of physical force, but we don't want to use it. We may some day come down and see you and talk about something else." That sentiment is received with the loudest cheers. Mr. Sheridan, at Mount Irvine, says—"Now, if a highway robber comes up to rob you, and calls upon you to deliver up your money, you will certainly not surrender your purse if you can hold it. You may surrender your purse, because it is of less value than your life, but is not the power of tyranny of the landlord worse?" Mr. Boyton, at Monasterevan, says—"Mark me, there is not to-day a grand old park in all Ireland surrounded with walls and stately trees, there is not one of them that the man that claims to own could produce a title deed that is not stained with blood." Gordon, at Shrule, talking about landlords, says—"I understand there is a party here who has got up a system of reporting to the Government that the peaceable people of Shrule and its surroundings were determined to cut one another's throats. But I say we have no intention of cutting the throats of our friends, but I don't care if half the throats of our enemies were cut before morning." Not a word of that is disowned by Parnell, nor do they say it is disowned by Dillon, nor do they say it is disowned by the man who is called the shrewd northern merchant—Biggar. He then goes on—"The landlords of this country have been the curse of it. An onslaught has been made on the system which degrades labour in Ireland (great groans, and cries of 'Down with them; to hell with them')." Mr. Gordon, at Bohola, says—"We meet here to-day to denounce the landlords who have plundered you of your land. They say the land belongs to them. I deny that. And then he says—where that placard was—"I

don't want you to give a blow of a stone to the landlords, but you may do it if you like." "If we swept them off the face of the earth we would be giving them their due." What is the meaning of talking about the horrors of the French Revolution? No doubt, in every department of fair France the people, I dare say, maddened by oppression —I use the expression of the French historian—maddened by oppression, rose upon their landlords. The landlords were driven from the country, and in every nobleman's house, in every country house in France there was raging rape and massacre. The landlords were hanged at the cross-roads, they were hanged at the lanterns of Paris. That meant execution —the cry, "To the Lantern!" There were ten thousand people massacred in Paris at the September massacres. Are the horrors of the French Revolution to be let loose in this country because of the failure of the potato crop, and the harvestmen, in consequence of the crop failing in England, not being able for one year to get their usual amount of honest wages? Do not imagine that I am sneering at the distress and miseries of my fellow-countrymen in the West. I know very well they have had a hard time of it for years. For twenty years, in the wild "Joyce country," in the wilds of Connemara—every year for twenty years—there is a partial famine. I know it well—about spring time, when the potatoes are done, and when the poor cattle almost cease to give milk—there is great poverty and distress borne by those people, humbly and patiently, hard-working, and deserving of every assistance from every honourable man—deserving of every assistance. But is it because this distress exists that we are to have a social revolution, that Communism is to be preached, and the landlords are to be exterminated, robbed of their lands, and murdered? What is the meaning of the reference to France—the abolition of landlordism in France? That is Gordon's speech. Mr. O'Sullivan, at Knocknagree, repeating, because their unanimity is wonderful, says—"The French peasantry offered their feudal landlords a fair compensation for the land. They did not accept it, and then the peasantry of France gave them the compensation they so richly deserved—a rope's length at every road crossing (cheers)." And if these men had power—if they were the Executive of an Irish Republic—the Directory—if they were, they have expressed what they would do if they had power. And as they have expressed it and boasted of it, I respectfully tell you that these meetings for these purposes—every one of these meetings, I tell you, in my humble judgment, subject to the correction of the Court, was an unlawful assembly, and every man organising those meetings was engaged in a foul and treasonable conspiracy. That was the speech of Mr. O'Sullivan at Knocknagree. O'Sullivan makes the same speech over again at Riversville—"In France the people set up and did not offer any compensation to these men; they would not have it; but they hanged them, and they did away with them in that way. (Cries of 'The right way.' 'The right way.') Then he brings in again the same speech about the tiger. He says—"We have no right to say whether it was right or wrong. The French are the best judges of their own work. What we have to do is to settle our own question. You should all do as people do in Bengal, and drive that worst of tigers from your midst." Does Parnell disapprove of this? Parnell, at Kilkenny, the President of the Land League, and the leader of the movement, says—"The proprietary right of the landlord is the right which he has obtained by force, fraud, and conquest." And then he is interrupted by prolonged cheering, and then he says significantly—"I submit to every reasonable man that it is far easier to remove the few than the many." Then there are loud cheers. I

have already read Gordon's speech at Abbeyknockmoy, where he says —"On arriving at Clonbur I had the pleasure of hearing that some great land robber was murdered, or had shot himself." Mr. Dillon, in Cork city, says—"But what I want to direct the attention of the meeting to is, that the landlords were anxious to know whether the Government are prepared to perform their first duty, to protect life and property. I wish to tell the landlords, that while we prevent every act of outrage upon their class, that if they undertake as indicated in this speech to repeat the deeds of past years, I think I shall say we have at our disposal means which shall make them bitterly repent the day." And at that meeting Mr. Lalor, in the presence of Mr. Dillon, says—"We are not bound to go watching every poor fellow in the country that is driven to desperation. We are not going to watch and preach sermons to them." That is in reference to the archbishop. "Let the men that drive the men to desperation, let them take care of themselves (cheers). I must protest against the archbishop saddling us with the responsibility of every assassination that takes place in this country. What we have, and what the Land League has to try is to show you another road besides shooting these men, because they are not worth the shooting (cheers). Recollect who these poor wretches are—these landlords. They are foreigners." Then he makes the reference to France. "Until the year 1793 they had the landlords there. Well, I suppose a great many of you heard of the French Revolution. The French people were a sensitive people, and they took a method of getting rid of their landlords that unfortunately we cannot take. No, my friends, we are not able at present to take the method they took. I wish we were (cheers). I wish we were, and it is not here I would be to-day (cheers)." Mr. Boyton, at that meeting says—"To promote a healthy sentiment in Kildare, where we have the Leinsters, the Burrowes, the LaTouches, the Verschoyles, and all the other land thieves of Ireland." Dillon, at Templemore, says—"I wish here to tell the landlords of Ireland that if they take the law into their own hands and declare war on the Irish people, that I believe that the Irish people know how to defend themselves ('We will,' and cheers). And I believe what is more, that the Irish people have got in their possession a great many of those tools which the landlords considered were their exclusiva rights to possess (cheers). Furthermore, I tell the Irish landlords that it is the right of every Irish tenant to have the same arms that an Irish landlord has." Well, Mr. Biggar treats the matter more quietly and facetiously. At Castleisland, he says—"There is another question which has been raised very much. The Land League are unfairly charged with the shooting of landlords." Well, now, what does he say—"It is no part of the duty of the Land League to recommend the shooting of landlords for a great variety of reasons. They never have given any advice of the sort. Mr. Hussey"—— That is a great agent in the south of Ireland—an agent for very large properties in Cork, Kerry, and other places. "Mr. Hussey may be a very bad man, and plenty of other men are as bad as Mr. Hussey; but I can tell you what the Land League can do. If anyone is charged with shooting, or offering violence to the landlord, or his agent, it is the duty of the Land League to see that that person who is charged with the offence shall get a fair trial. What is the good of a man shooting a landlord?" See the way he discusses it. He discusses it the way you would discuss any ordinary sporting case, "What is the good of a man shooting a landlord?" He mentions Mr. Hussey's name. This is the system of denunciation and terror. Why did Biggar

mention Hussey's name, except for the purpose of denouncing him and holding him up to popular execration? Why? We know in Ireland that if a man be a very bad man and be denounced and execrated and fired at, sometimes he is only wounded, sometimes he is killed. But the meaning of all this talk is that the jury that are to try the murderer, are to find a verdict of "served the victim right." "First of all the Government offers an enormous reward: for a large sum of money some one may commit perjury against one for whom a grudge may be felt, or against whom there is no cause of suspicion but of the very vaguest kind"—Then he describes the magistrates and the police, and the attempt of the Government to pack a jury—and what is the advice he gives? Now really the deadliness of this is something perfectly appalling. "Well, you the members of the local Land League can use your exertions to get everything in favour of the person who is charged with such a crime as shooting a landlord." That is Mr. Biggar at Castleisland—the great northern merchant, with his cool, shrewd, head; who weighs everything he says; who is a member of Parliament; and he knows perfectly well that all this abuse of the Government in offering a large reward for the purpose of getting some one to perjure themselves, that the talk about the police working up the thing suspiciously against any one, and that the magistrates are all partizans against the prisoner, is a general libel on the administration of justice in this country. Knowing all these things are, I will not say invented, because it is possible his cool northern head may have been induced in some extraordinary manner to believe them, he then says—"Well, you the members of the local Land League can use your exertions to get everything in favour of the person who is charged with such a crime as shooting a landlord." Now it is said that the Land League do not encourage murders, and profess to discourage murders; but the mere fact of a person being charged with the crime of shooting a landlord is sufficient to entitle him by the rules of the society to the Land League's protection, and the Land League's money! Mr. Sexton says—"Either the landlords or the tenants have to go; and the tenants shall not go." And Mr. Dillon, at Hollyford, in Tipperary, says—"The Irish land belongs to the Irish people—that it has been taken from them by fraud and force—and that the men of Ireland are to-day determined to take back the land of their fathers. You are here to-day to pledge yourselves that you will enter into that struggle, and not cease from it until you win the victory." Harris, at Kiltoom, says—"If all the men on his estate and the adjoining estate join together, these men you fear so much are the greatest cowards on the face of the earth. When you see them driving good horses they are a dreadful determined people. I tell you the gentry of every country are the greatest cowards in the country, and we will shake these men if you show you have courage and unanimity." At the Galway meeting, which was a very violent one, and which Mr. Parnell was at, he spoke about Lord Mountmorres, and Mr. O'Connor says, in the presence of Parnell and Harris—"Have not the landlords of the County of Galway inflicted duty labour upon you, and are not they ever inflicting lashes on the Irish tenants as sore as were ever inflicted by the South Carolina planter upon the slaves under his control? Is it not true that in this very county, during the famine years, landlords have murdered the tenants of the County of Galway (hear, hear)." At that meeting, in the presence of Parnell, he says—"Is it better that one man should be shot down than hundreds and hundreds—I believe it amounted to

1,200 families—that hundreds of those families should be driven from the face of this fair island; and when I see this extermination, and when I see the weakness of our people, and when I see tyranny triumphing over right and justice, and when I see my fellow-countrymen driven to the four winds of heaven, I say to myself, and I say it here to-day, that if the tenant farmers of Ireland shoot down landlords as partridges are shot in the month of September, that Mat Harris never would say one word against them." That meeting was held on the 17th of October. A sort of apology for that language is at a subsequent meeting made by Mr. Harris—a sort of sneering apology. I do not remember the exact day on which he said it, but there is one apology at all events, in which he said that indeed he didn't agree in the shooting of landlords, and that he objected to shedding the blood of the lower animals. What he meant by that I scarcely know. But this is the man who, by name, denounced, in the most awful language that is used by a man against his fellow-man—denounced the country gentlemen in the West of Ireland. This is the man who says he would drive the Persses from the county by the tenant-farmers poisoning every field in the county. He offered no apologies for that language, but after those apologies about murdering the landlords, he continued to denounce the country gentlemen of the west—denouncing Lord Dunsandle and every resident gentlemen in the county—denouncing them in the most terriffic language. What is the object of this? Is it the object to drive every country gentleman from Ireland, and leave the land to the peasantry and have the rents collected by the law? Then, indeed, Ireland would be rack-rented. Is it, indeed, their object to get the land into their possession? Then, indeed, Ireland would be rack-rented. These men have proclaimed that no man in Ireland is fit to be a landlord. The farmers and small shopkeepers who have purchased estates in the Landed Estates Court—the cry was now more raised against them than against the great landlords—the Downshires and the Leinsters—of Ireland. But now it is the fashion to say in the late phase of the Land League, that they give some fair play to the tenants, and it is only against their own class—the land-grabbers, as they are called—that their agitation is directed Gentlemen of the jury, this agitation has been directed by them against the tenants far more than against the landlords; and there are now all over Ireland, as Dillon himself puts it in the late Tipperary speeches—there are "model farms on which"—as the awful expression puts it—"no living thing dare go." The *Nation* published that in the West of Ireland a notice was put up threatening the life of any man who takes the land. You remember that awful placard held up at one of the meetings—put up ostentatiously on the roadside—"Let no man take this land." What system of tyranny are we living under? Is this conspiracy? Is it rebellion? Is it high treason? They are charged with conspiracy—a strike against rent, effected by threats of terror, by coercion against the landlord and tenant—that strike against rent which Daniel O'Connell, whom in his grave these men execrate, proclaimed to be illegal and a treasonable conspiracy, when he drove from the Association the men who attempted it. For him I say, and to his memory I appeal—he is in his grave—if he were now alive, leading the Irish people, as for many a long year he did lead them in their path to emancipation—he would be the first man to speak against this vile conspiracy not to pay rent, not to pay honest debts; he would repeat that phrase which is so eloquently expressed in his own immortal language—only a repetition of the commandment—"Thou shalt do no murder."

After the adjournment,

The *Foreman of the Jury* (Mr. Corcoran).—Before beginning, my lords, I wish to know if you will adjourn over to-morrow?

Mr. Justice FITZGERALD.—Our decision with reference to that would be very much dependent upon two circumstances—first, whether the learned Sergeant will conclude to-day. I'll assume that he concludes his address to-day, and then the remainder will be very much in your hands. If you wish to adjourn over to-morrow I won't object.

The *Foreman.*—Thank you, my lord.

Mr. Justice FITZGERALD.—I'll just tell you at the close of to-day.

Mr. Sergeant *Heron* (resuming)—Gentlemen of the jury, I can assure you that I shall conclude to-day. My task in some respects has been a painful one—to have to speak in severe terms of gentlemen by birth and education, and men of great ability, as all the fourteen defendants are; men of great education, great information, and who have had the assistance plainly, as is usual in great political movements of other persons working for them, and giving them every information that history and literature could afford. And that reminds me that in the interval allowed for rest, in the last few minutes, I was looking over the speech of my learned and eloquent friend, who is sitting beside me as watchful as ever, and I find I omitted this morning one of his references when he compared Ireland to the starved apothecary in Shakespeare. Gentlemen of the jury, there are certainly some forms that I thought had long been eliminated from Parliamentary and forensic elocution. And the starved apothecary has never been mentioned in forensic oratory or in Parliamantary oratory since Disraeli unhappily (I was present at the scene) said, with reference to a course that he had taken, "that his poverty and not his will consented," and immediately Baron Dowse hit him at once by saying that in the whole course of literature the only thing he could find to compare himself to was the starved apothecary. Gentlemen of the jury, there were many things which used to be referred to by Curran and Erskine, when, towards the close of the last century, trial by jury became popular, and when learned and eminent counsel, amongst the greatest orators that the English language produced, addressed juries and senates. The Trojan Horse was then a famous illustration, but that respectable old animal has long since been sent out to grass, and has not been mentioned in the House of Commons since about the year 1871, when an Irish Member of Parliament thought there was some uncertain allusion to my friend the member for Limerick. Many other things have vanished from our forensic efforts. Mr. Justice Fitzgerald, years ago, abolished what is called the fashionable farthing. It is never referred to now. The benefit of the doubt has also disappeared from our efforts since, unfortunately, in the Munster Circuit, a learned and eloquent counsel, addressing the jury, spoke to them about the Day of Judgment, and asking them to give the prisoner the benefit of the doubt, said—"And, gentlemen, when you shall go before an Omnipotent and Omniscient Judge, I pray that you also may have the benefit of his doubt." And, accordingly, I trust the comparison of Ireland with the starved apothecary will vanish with the Trojan Horse, and the benefit of the doubt and the pound of flesh.

Mr. *Macdonogh.*—Pardon me, my learned friend; Mr. Gladstone is the person who used the very language I have quoted.

Sergeant *Heron.*—I know he did.

Mr. *Macdonogh.*—And Lord John Russell before him. These are the heads of your party; so speak of them with respect.

Sergeant *Heron*.—My learned friend, Mr. Macdonogh, borrowed the illustration from Lord John Russell and Mr. Gladstone, and I sincerely hope that no one will ever again compare Ireland with the starved apothecary. It is ridiculous. That magnificent passage was recited by Mr. Gladstone with all his powerful effect, and it had the effect it deserved; but it is perfectly idle to have these absurd comparisons going on as if there were not such places in Ireland as Dublin, as Cork, as Belfast, as Derry, and the other flourishing sites of industry and prosperity in our country. Perfectly idle. You have seen, you know the people, you know who they are. I ask you where on earth there are to be found finer men than the sons of the Irish peasantry who form our gallant Irish regiments, that in every quarter of the world march to death with military glee—I ask you where on the face of the earth is to be found a finer body of soldiers than the Royal Irish Constabulary. I have seen the Republicans Guard and the Imperial Guard of France. I have seen, more recently, the Imperial Guards of Austria, Germany, and Russia, and I fearlessly say that the 14,000 men of the Royal Irish Constabulary are as fine a body of men as regards physique, appearance, and discipline, and all that makes a soldier, as exists in the whole world. Talking of our country in this way, parading our misfortune before the world is absurd. I speak of that county which I once had the honour of representing and which on the plains of Meeanee, Napier immortalized as "magnificent Tipperary." Traverse that country from Nenagh to Borrisoleigh, from Borrisoleigh to Templemore, from Templemore to Thurles, from Thurles to Cashel and Carrick-on-Suir, from Carrick-on-Suir to Clonmel, from Clonmel to the town of Tipperary—the old King's Well—and the Limerick Junction; and I say that on the face of the earth you will not find a more magnificent peasantry—splendid men and beautiful women. We have always to be talked of and paraded in this way by the London-Irish, as I call them again, before the world—men who walk about Pall Mall in tight boots—the men who live there as if they were exiles, their own fate and future being indissolubly connected with the prosperity of England—living there, flourishing there, working there, prosperous and business-like men, living and sharing in the prosperity of England. As Tennyson says—

"Better fifty years of Europe
Than a cycle of Cathay."

And my friend Mr. Sullivan says—"Better five years of London than fifty of Bantry." There he will prosper, while we, forsooth, are to be rooted in the soil—as Bishop Berkeley said—the most foolish thing he ever said—"Circled with a wall of brass," to prevent further emigration of our Irish people to every other country in the world,—wherever the English language is spoken—wherever English or Irish genius can force their way——

Mr. *Macdonogh*.—I declare you are so patriotic that you are convincing even me.

Sergeant *Heron*.—I know I am. My learned friend has a generous heart, and I know his candour. Gentlemen of the jury, I have referred to the awful denunciation of landlordism contained in these terrible passages, and the comparison of Ireland with France, and the hope expressed that the landlords of Ireland would meet with the same fate as French landlordism, which was ended by the horrors of the first French Revolution. But the Archbishop of Dublin, of course, dare not address his pastoral to the Church, to the priests of his diocese, without referring to the subject. This gave great offence. In his pastoral of October

his Grace was pleased to say—"But whilst these prayers ascend to the throne of the Mother, another terrible voice is heard challenging the attention of the Eternal. Our unhappy country has, within a few months, drank deeply of the blood of her own children. That blood must call for vengeance to Him who declared that even the beast of the field should account for man's blood spilt by it. That blood will cry out not only against the hands that made it flow, but against us all, if we fail in abhorrence of the crime which sent a brother's soul, without a moment's notice, without a moment's preparation, before the judgment seat of the terrible Judge. The enemies of all concession to our people have not been slow to turn these dark crimes into arguments against the cause of justice. But whilst men are right in expressing their horror for these crimes, they should not be precipitate in laying their guilt at the door of any individual or of any cause. The tribunals of the country have pronounced no sentence; self-constituted judges should be slow in condemning. But is it not to be deeply deplored that the shortcomings of those who have presided at many public meetings held should give even the shadow of an argument to those who are only too willing to connect the tenant question with outrage and bloodshed? Unfortunately, at many of these meetings, when the character of an erring landlord was being drawn by the public speaker, cries that never, even in levity, should be heard from Christian lips, have been uttered. And although we firmly believe the managers of these meetings abhorred the crime of murder as much as we do, yet no indignant protest came from those who were answerable for the proceedings against these wicked utterances. This was not the rule followed by the great man who liberated his country. Though a passionate lover of liberty, he declared again and again that liberty was not worth a drop of human blood if shed in crime. He taught his followers that the man who committed a crime gave strength to the enemies of his country; and if in his most excited meetings a word of violence was uttered, the thunders of his eloquence speedily silenced the offender. We all know the results of his wise policy." I leave that without note or comment. No possible words of mine could add to their eloquence, the sentiments thus addressed, in the canonical discharge of his duty, to the priests of his diocese, publicly read at the altars of God on that Sunday, and when Dr. M'Cabe's name is mentioned by these men the cry is made—"Away with him—away with him. Down with him—down with him." Nally, at Clerhaun, said, "Keep together, and keep strong. Dynamite and gun-cotton will scatter them to pieces." Dillon, at Fethard, says—"And I say that if the English Government enter upon a policy of coercion and attempt to use brute force against the majority of the Irish people to-day, that that course will render the connexion between the two countries an impossibility in the future, and I say furthermore to the landlords of Ireland that the land law, if this movement is suppressed, that its suppression by force and violence will beget in the minds of the people so desperate and bitter a hatred to landlordism and to the men who live by it, that the house of every landlord in Ireland will be built over a volcano, and he cannot tell the hour when that volcano may burst and sweep him and all that belong to him to a far worse fate than that which the National Land League of Ireland dealt out to him. And I will only say, in conclusion, that though I am not a man who am too much given to telling the people not to shed a drop of human blood, or that all liberty is not worth a drop of human blood—because I believe it is worth a great deal of human blood, I believe—I would like to say

in conclusion that I think that the interests of this movement, particularly as regards the good name of the Irish race in foreign countries, would be best served by the people maintaining a strictly defensive policy, not injuring any man either in his person or in his property, but simply Boycotting any man who turns traitor on the people: Boycott was—never a hair of his head was hurt, and no man raised his hand against him—and what has been the result? He has been obliged to fly the country, and yet no man could be touched by the law or punished for anything that was done to him. And furthermore, no crime was committed in connection with him. Let then the people pursue this policy of defence, and there is no doubt in the world but that, as I said before, they have the game in their own hands, and they can insist on having fair and just terms conceded to them; and furthermore, that if the landlords adopt a policy of bullying and repression, that it will be in the power of the people to punish the landlords and bring them to reason." And Boyton, at the same meeting, repeats that expression, which I won't characterise by any adjective. Nally speaks about dynamite and gun-cotton, and we have heard of the Clerkenweli explosion, and we know that within the last few days there was a dynamite explosion and murder at Manchester. Gentlemen, the agitation which began sharply in the months of May, June, and July, culminated apparently in the month of October. The meetings became more numerous every Sunday, and the principal persons conducting the agitation in these months were Mr. Boyton, Mr. Biggar, Mr. Parnell, and Mr. Dillon. The language from day to day increased in intensity. When the land agitation commenced in Ireland there was some talk about the Ulster tenant right being extended to the rest of the country. That now is characterised as a sham and an imposture, and it is said that the rents are higher in Ulster, where the tenant right prevails, than in any other part of Ireland. Then came the cry for what is called the "Three F's," but the committee of landlords, as they were called, met in Dublin, and, as I understand, some months ago adopted the "Three F's," as they are called——

Mr. *Sullivan.*—No, they did not.

Sergeant *Heron.*—They are now denounced as the enemies of their country. The "Three F's," at all events, by the leaders of the agitation are now repudiated, and the idea of a fair rent is scoffed and scouted at at every land meeting, fixity of tenure and free sale being of course admitted—that is fixity of tenure transferring the fee simple from the landlords to the tenants. And how will the traversers compel the new landlords not to let their land? Free sale means that they will take every opportunity of screwing the last shilling out of the man who buys it; and the "three F's," indeed, are a mockery, a delusion, and a snare. I told you the agitation was going on in the months of August and September. On the 1st August, Mr. Michael Boyton, from the National Land League, attended a remarkable meeting at Cloneen, in the county Tipperary. Cloneen was connected with a case, as you may have seen in the newspapers—the case of the Meaghers. That is a case in which there was direct interference with property. Boyton attended at Cloneen, and on the 1st August made this speech, in which he said:—"Therefore, I tell you again, we are beginning at the beginning. We are beginning to try to educate the Irish people into the knowledge of their power, for they have a power, if they would exercise it, that would cranch this miserable system in twenty-four hours. To come home to the direct object of this assemblage is this. There have been rumours in the air that there are men wanting to take or

desirous of taking the land of Henry Meagher. It matters not who or what they be. I tell these men here to-day, and I desire them to mark it, the people of Ireland, at least so much of them as we can command under this national organization, and so much of the funds of their brothers in America as they can command, have through their council sent you. Men of Tipperary, you in the gap, you are in the gap. Upon how you hold that gap now depends on the future—the land question in this county. (A voice: 'It will never be lost.') We have given you a bit of work to do. We are at your back with the people of the Land League throughout Ireland. We are coming to see with our help what you will do to fight for yourselves, for in holding that land you are asserting a principle, you are deliberately showing the landlord the power you have to crush his interests, the only thing that he ever consults in Ireland. It was said of these landlords, and when all is said and done they are only a handful, some five or six thousand, some one in every thousand of the people; and surely, granted that there are 500 men, and these all cowards, if we got only one to every landlord, it ought to be enough to settle the land question, provided always, as the lawyer says, that you mean business, and that you are united." He was referring in that to the same theory maintained by my friend, Mr. Curran, when he said Nally meant murder if he believed in it. "I myself, would be the last one to interfere with the free expression of any man's right, or his belief, or opinion on the settlement of the land question; but for the present I wish once for all to tell you what we have to-day in view. It is a peasant proprietary; and, failing that, we vow that the land of Ireland shall become just like that farm must become, if you are faithful to your vow, a wilderness. If they do not give us the land for the people, why then give the land to the game, but they will never get it (cheers). I have talked more than I would have done under other circumstances. There are gentlemen here who know the immediate circumstances of this place, that know the parties, that there has been, as I have said before, rumours that they were looking to spit in the people's faces. Let them take to-day a word of warning, for I tell them that there is something round they do not think about (cheers). You can tell them it is not in cheering or in meetings that the firm determination of a resolute manhood is ever carried out. It is in exercising quiet and peaceful methods; but the moment the spark is struck, then they had wished that they had thought before they had provoked it. Once for all, a word of warning is never wasted ('never'). And I tell these men, and I tell them most truly, it would be better for them they had never been born than that they attempted by foul means to defeat the resolution of the people of Tipperary (cheers). I could not add one word to what I have said. I say now that we are going, your worthy junior member and myself, to organize the county Tipperary, and that those who to-day wish us to strengthen their hands in the settlement of the land question know what the meaning of an organized Tipperary is (cheers). They will know it when we have twenty, ay thirty thousand men to say, 'We will hold the land.'" (A voice, "It will be.") Mr. Boyton—"Go on, and if you want to fight it out, it will take thousands of the police and regiments of soldiers to serve a single process of ejectment in the county Tipperary (cheers); and all that without ever firing a shot, unless we are provoked and have the means to do it, we must always have the means. But while we are waiting for that, we want the men of Tipperary, the men—let the old women stand aside—and come up resolutely, earnestly, fearlessly, and

manfully, and give their names to such young men as Mr. Cusack, and men who will be appointed secretaries (cheers for Mr. Cusack). Give him your name, and as you have received his name so warmly, I may perhaps tell you that the secretary of the Sleevenamon Land League—that is the name they have given it—it takes in all the branches that will be established within the immediate vicinity—that he is a young man that has the confidence of the Irish National Land League." Gentlemen of the jury, my learned friend, counsel for Mr. Sullivan, the traverser, the proprietor of the *Nation*, told you that he never advocated the Boycotting system. Now, I think it right to say of Mr. Sullivan that reading, as it was my duty to do, the speeches which he made in this affair, I would exonerate him from advocating the blasphemy contained in Paudeen O'Rafferty's Commandments. As regards the rest of them, the expressions are repeated, adopted, and advocated; but as I was challenged by my learned friend, counsel for Mr. Sullivan, I must read his speech at Ennis, where he deliberately advocated, in the presence of Parnell, the Boycotting system as regards the taking of farms from which tenants were evicted, for what he calls the non-payment of an unjust rent. He says, "Now Mr. Parnell and Mr. Finigan have told you here to-day that the key-note, the keystone of your power is this, that a stop shall be put to the taking of farms from which families were evicted for the non-payment of an unjust rent. Now let me tell you that no matter how you meet or no matter how you pass resolutions, or no matter how you cheer, if the practice goes on of outbidding one another for these farms, or of taking these farms at all on which evictions have taken place, all our labour is vain (bravo). Nothing that we can do will save you, if you go taking the farms from which the landlords have cleared out honest and industrious families, because they failed to pay them unjust and extravagant rents. But, my friends, so sure as that sun is shining on us, so sure it is that if you stand to each other like brothers, follow the advice that has been given you here to-day,"—that is by Mr. Parnell, to whose speech I shall refer—"leave those farms to grow thistles and rushes, and if any one is base enough to go in on them, shun him (shoot him); let him be as an outcast amongst you, and his life will be a life of shame and a life of misery, and the shame will attach not only to himself, but to his children and his children's children (cheers)." Gentlemen of the jury, this speech was made on the 19th September. It is the same as the banners and placards at Bohola and Milltown. It is taken directly, as I have already informed you, by some man of genius and literature, and adopted almost *verbatim* from the terrible denunciation in the "Fire Worshippers"; and it is adopted by Mr. Sullivan with an unanimity of sentiment remarkable, but proving at the same time that he joined this illegal conspiracy of social excommunication against a man taking a farm. Mr. Biggar, on the 17th October, in Tullow, says—"Now, if anyone does—as has been pointed out—takes land from which a tenant has been evicted for non-payment of an exorbitant rent, or in any case in which he has not got full compensation from the landlord for his disturbance and for all his improvements, I do think, Mr. Chairman, that the attitude of all the neighbours of that man is to take care that he shall not derive any profit from that land. Do not assist him as a labourer, do not (interruption) deal with him, do not buy from him, do not sell to him, and the result will be that that man will in a very limited time be very well pleased to give the land to the party who had been evicted from it. Then, suppose another case in which the landlord takes the land in his own hand. Well now, I gave a suggestion in

in the county Kerry on this day week" (that refers to his speech at Castleisland which I read), "and I do not know whether it is the best or not, but I would say if the landlord puts this crop, this land into crop, such as oats, turnips, or potatoes, if his cows stray into these oats, do not take the trouble to have the cattle turned out (laughter). Well, if he has any crop to cut, why, advise all the labourers in the neighbourhood to take care not to take any employment from him, try to get employment at some other place, and allow the crop to lie waste, so that he will make nothing out of it. Then, suppose for instance, his cattle stray in the road, well, allow them to continue to stray: do not take the trouble to put them back. All these are little things not infringing the law. At the same time they are matters which would effectually come within the cognizance of the members of the Land League, and which they would——The case is equally strong in case the landlord has insisted upon such a rent that the tenant could not afford to give it, and had to give up the land to the landlord. In that case the landlord is an extortioner; he wishes to act unfairly towards his unfortunate tenant; he wishes to live on the life-blood of the people of this country, and he does not deserve to have any produce from that land. In that case just take the whole proceedings as you would have done if the tenant had been evicted——In county Mayo some nuns asked for some of their land more than the tenant could afford to give; the nuns let it to the parish priest, and the neighbours in the county Mayo pulled down the fences, and would not allow the parish priest to occupy it." That is nice advice from a Member of Parliament. At Bawnboy, on the 30th October, Mr. Biggar says—I am now approaching the conclusion of my remarks, and I intend to give a few of the expressions in speeches by Mr. Biggar, Mr. Boyton, Mr. Parnell, and Mr. Dillon—speeches showing the continuance and violence of the agitation and how they went on and on, until finally, as Mr. Dillon openly said, no rent ought to be paid in Ireland. This is Mr. Biggar's speech in Bawnboy on the 30th October—"They say a class of men called landlords, who, of course, we know very well, in the majority of cases, have got the land by fraud and violence; we know the present landlords or the predecessors in title have got the land by fraud and violence." Now I say there is no man in the community knows better than Mr. Biggar that that is not a fact—"They say a class of men called landlords, who, of course, we know very well, in the majority of cases, have got the land by fraud and violence; we know the present landlords or the predecessors in title have got the land by fraud and violence, and that they have no just rights, but they have what is called a vested interest." Vested interest! The contempt with which the speaker speaks of vested interests. There is such a thing as a vested interest in butter and bacon, but none in land. "And that they have no just rights; but they have what is called a vested interest; that is, they and their predecessors have been in the habit of levying a tribute from the occupier in a shape called rent; and it is not considered desirable." There is a great humour about this man. It is not desirable, from the landlord's point of view, that this revolution should take place. No; if there was a revolution they would be hanged on every cross-road in Ireland. From the landlord's point of view it is not considered desirable. He says, "It is not considered desirable, from the landlord's point of view, that a revolution should take place, or that the land should be taken from them without getting fair and reasonable compensation in return for that which they have been for some time past in possession of." That

is from the landlord's point of view—that if they are turned out they ought to get compensation. Of course, that is not Mr. Biggar's view—"The question arises, on what basis are you going to value the present interest of these landlords? Some people say that you must compensate them on the basis of the rent which they have been charging the tenant in time past. Now, in some cases that would not be so very unfair a proposition, because we know in some cases the landlords are not extortionate. In many cases they are not extortionate, and they charge less than the Government valuation; in those cases we do not mean to say that the rent which they now charge would be an unfair basis. But we know that, in a great many cases, the landlords are charging not only the Government valuation, but a great deal beyond the Government valuation, and any sum of money claimed in the shape of rent by the landlords beyond the Government valuation, is *bona fide* clear and simple extortion and robbery. (cheers.) We say the Government valuation is even too high a valuation for this reason: because the valuators take not only into account the natural value of the land, but the improvements on the land, which were the work of the occupying tenant. So that if the landlord gets compensation on the basis of the Government valuation, he is getting compensated on an extraordinary high rate and not in accordance with fair play between man and man. We are disposed to say"—that is, the Executive of the Land League—"we are disposed to say that, in morals and fair play, if the landlord has been charging for a great many years past more than the Government valuation, he should be asked to refund a part of what he has extorted from the occupying tenant beyond what was a reasonable and fair rent, of that rent." You know that would be ludicrous, except that it is taken as real by the unfortunate people who are paying their shillings to the Land League. "This is the morality of the case; and the principle that would be accepted by the Land League agitators for making the Government valuation the nominal basis would be a better one for the landlords than they would get; if they are not wise enough to enter in the compromise with the representatives of the people on such a basis as is proposed; if these men are foolish enough to press the fight to a greater extent than we propose, the result will be, they will get a great deal less; because a man who does not accept a fair offer—as it does happen—the bidder draws back, and he gets less than he otherwise would have had (cheers.) In this country"—in this "county" it ought to be—"certain members of the tenant-farmer class are the worst enemies of themselves. They act on the pernicious system of playing into the hands of the landlords by giving extortionate rents" (a voice—"Down with them.") Mr. Biggar—"And by taking land from which tenants have been evicted because they would not or could not pay dishonest rents which the landlords tried to extort from them." He then gives an individual case, according to this dreadful system of naming persons, and then he says, "What was the result? This landlord misled his neighbours as to his real character and as to the facts of the case with regard to this controversy in county Leitrim, and my friends of Cavan very injudiciously went and assisted the landlord in removing the hay from the land." (A voice, "We are sorry for them.") Mr. Biggar: "Now, what should have occurred with regard to that land? The grass should have been left on the land (hear, hear). Any tenant-farmer or any labourer who assists to take the grass from any land from which the occupying tenant has been evicted, or in any case in which the landlord has acted unfairly towards the land, is a curse to the country in which he lives, and entitled to

the reprobation of every one who knows him." And then he tells a case about Belturbet, and a case about Limerick, and says :—"If instead of being, as at present, in a disorganized state, which you are in county Cavan, if you had a branch of the Land League in the district to which I have referred, as soon as our friends in county Leitrim had pointed out the facts of the case, the League in Dublin would have allowed the people in county Cavan to know the conduct of this landlord, and the result would have been instead of having his hay carried into the country by volunteers, it would have been rotting in county Leitrim, and he would have derived no benefit therefrom (cheers)." Again, at Kinlough—a portion of the speech I have read, and I will not read that portion again. After the crowd said, "a big windy night might blow it away"—that is, the hay—Mr. Biggar says—"Leave your own matters thoroughly within the cognizance of the Land League. Another thing which should be done is this : suppose any landlord has been insisting upon getting a larger rent than the Government valuation, a combination should be entered into by the tenants on that particular property, and they should all say, we will give you the Government valuation in the shape of rent ; if you do not take that you will get nothing at all. Now, my friends, these are all matters within your power ; at the same time, unless you all combine and act together in an organized manner as one man, the result must be that the landlords will beat you. If you stick together, each one helping himself and his neighbours, the result is that the many must triumph over the few." Now, gentlemen, there is the advice given by a man who was spoken of almost by his counsel as the brains carrier of the League — a cool, shrewd, Northern merchant—a Member of Parliament, enjoying the confidence of the electors of his county, with which, no doubt, he is connected by birth and property. I do not say one word against his position as a member of Parliament ; I am discharging my duty against his teachings as proved here. Well, but it is said, individuals are not attacked, that it is only the system that is attacked. But if landlordism is to be abolished without compensation, what is to become of the landlords ? Boyton, at Parsonstown, openly avows the attacking of individuals. He says in one place "we do not attack landlords," in another place he says they do attack landlords. At Parsonstown, on the 21st November, he says :—"We of the Land League do not attack any landlord as an individual, but we attack the land grabber as an individual (cheers), and we want to make the crime of land grabbing and the crime of going behind a man's back to betray the cause that you have publicly pledged yourselves to stand by—we want to make that crime as odious as was the crime of the man who was an informer or a betrayer in the past history of Ireland (cheers). We want you to know that it is treason, and treason against the people is the worst crime that can curse humanity. I will not detain you longer than by complying with the duty which principally brought me here to-day. (A voice, 'You are welcome.') I wish you to know that this is not merely a political agitation. I tell you again that it is not an agitation ; and if it were merely an agitation, and that this great crowd, this splendid demonstration, should fade away to-morrow and leave no results, not leave a permanent working organization of men determined to go on with the work. When the banners are gone, when the music is gone, when the speeches are gone, ay, and when the leaders are gone to British prisons, we want you to go on. (A voice, 'We will.') We have laid the track for you, and you have not anything to do but to go on (cheers). Already, throughout

some nineteen or twenty counties out of thirty-two, God has gratified my heart, and God has blessed my eyes with the sight of nearly 60,000 or 70,000 honest, manly, right hands lifted up in His presence. I have seen throughout the well-organized and magnificent county of Tipperary (cheers), I have seen already 100,000 hands lifted up to pledge themselves to be, what they always were, true Irishmen (cheers). I know from what I have seen to-day in Birr, that this meeting, and the spirit of enthusiasm, the manliness, the good order, and the determination that is elsewhere visible, will not even be second to anything in Tipperary (cheers). I feel sure that when you give your pledge you will go home and keep it (hear, hear). I now call upon any man who cannot conscientiously give the pledge to remove himself on the outside of this vast crowd; and as there seems to be no movement in that direction, I call upon you, men of the King's county, and North Tipperary to pledge yourselves solemnly before God and your clergy, and side by side with your fellow-countrymen, never to take the land from which your neighbour has been evicted for non-payment of an unjust rent. (Cries of 'Never.') Never to purchase or bid for cattle or crops seized for rent. (Cries of 'Never.') Never to purchase grass lands that are the property of a landlord having evicted the tenant. (Cries of 'Never.') And I call upon you, that class of men whose interest in this struggle is no less than that of the farmers and the labourers, I call upon you, in giving this pledge, to pledge yourselves never to work for that man or on that land (cheers.) Now, every man who can conscientiously take that pledge, and keep it in the name of God, hold up his right hand." And here the hands of the people were all held up. At Clonmel he repeats the same pledge—"Already in the land movement we have had too much talk and too little work. It will be a proud moment for me if the British Government puts me side by side with John Dillon, to prosecute me for doing your work. Now, in pursuance of my duty as an organizer of the Irish National Land League, I call on every man here to pledge himself before God and in the sight of his fellow-countrymen never to take the farm from which his neighbour is evicted for non-payment of unjust rent, never to purchase crops or cattle seized for rent, and never to work on such land. Every honest man who is prepared to take that pledge manfully and determinedly to keep it, hold up his right hand." That meeting was held in Clonmel, the centre of a thickly populated district. It was an enormous meeting, attended by the clergy, attended by the people; and on that demand from the organizer of the Irish National Land League every hand in that vast assembly was held up. After that meeting—the meetings were now going on every Sunday—Mr. Boyton again attended at Limerick. He says—"Men of Limerick, I have come to gather up the thread of what you have heard to-day, and to give you, men of Tipperary and men of historic Limerick, in the presence of the president of the Irish National Land League, the pledge that makes you each and all Land Leaguers (a Voice, 'Good'). I call upon every honest Irishman here present, whether he be from Limerick, Clare, or Tipperary, to pledge himself before God, in the presence of his clergy, and side by side with his fellow-countrymen throughout Ireland, never to take, hold, or bid for the land from which his neighbour has been evicted for non-payment of an unjust rent, never to work on that land, and never to purchase cattle or crops seized for rent (cheers). Every one who can manfully and honestly give that pledge, and in addition pledge himself never to pay more than Griffith's valuation, hold up his right hand." The pledge was taken with raised hands. That enormous

meeting was attended by the people from the great agricultural counties of Limerick, Clare, and Tipperary. And again, every man in that vast assembly held up his right hand. But there was more after the Land League pledge was given. He read and proposed a resolution, which he says is a very important one—"Whereas the English Government has hitherto refused to protect our interests from unscrupulous landlords, we hereby, in public meeting assembled, resolve to protect ourselves by the adoption of the following proposals: First—Never to take a farm from which a tenant has been unjustly evicted, to hold no communication either with the man who violates this rule or his family. Second—To withdraw our custom from any shopkeeper either in Limerick or in any other town or village in the county who either sells to or in any other way accommodates such a person, and, finally, to refuse permission to all rackrenting landlords and bad agents to shoot or hunt over our lands." The remaining portion of the resolution is about supporting Mr. Parnell and the Irish party in the House of Commons, and has no important bearing on this matter. Gentlemen, we pass to the 14th November, at Thurles. Remember we have got this open swearing, as it were, calling on the people before God, in the presence of their clergy and swearing them, I repeat, to do an illegal act—to join in this combination against rent. Do you see now, why my learned friend, Mr. Macdonogh, did not read the evidence? At Thurles, on the 14th November, Boyton—still, as I say, swearing in the people, as organizer—says—"You are called upon, every man present here to-day, to declare whether he will be an Irishman, and to-day that means to be a good Land Leaguer (cheers). The pledge of the Irish National Land League embodies the principle of the League. It is that you have a right to combine like men for self-preservation; that you have a right to watch, to mark down, and to excommunicate, socially and politically, the man who in the face of this great movement will be base enough to betray the cause of Ireland, for the man to-day who violates his Land League pledge is a double-dyed traitor to God and to his country. With the permission of your esteemed chairman I will first give you the Land League pledge; and I now in the name of the Land League of Tipperary, I call on every honest Irishman present, in the sight of God, before his priests, and side by side with his brother countrymen, I call on every man to pledge himself solemnly never to look for, to take, to bid for, or to occupy the land from which his neighbour has been unjustly evicted (cries of 'never, never'); never, never to purchase crops or cattle seized for rent; never to bid for grasslands put up at auction by a landlord; and I call upon the labourers and the workers, who are no less identified in interest with this struggle than the farmers, never work upon that land. (Cries, 'never.') All who are prepared to take that pledge will do so by lifting his right hand." And then the vast assemblage lifted up their right hands. At Fethard on the 5th December, he says:—"I will now conclude by doing that which I have done elsewhere throughout this county to fully 100,000 men. I do not believe there are men here present who have given us the Land League pledge"—it should be "there are men here present who have given us the Land League pledge, ay, half-a-dozen times over, but it is a good thing for the future of Ireland, and you cannot do it too often. I now call on you, the men who first started the Land League in Tipperary, to pledge us to-day as you did then, never to take the land from which your neighbour has been evicted (Never); never to purchase cattle or crops; never to pay any landlord rent for, or to take from him hay or grasslands under any circumstances." See how it goes on—

"never to pay any landlord rent for, or to take from him hay or grass lands under any circumstances, and never again to pay one farthing more than Griffith's valuation until the question is settled (loud cheers). All who can follow that will give us his good right hand." And again the hands were held up. I am told there is to be no extermination of the landlords. At Portumna, on the 12th December, Mr. Boyton again speaks He said they had first to put an end to rack-renting, and how? Did they expect it by looking beyond St. George's, and building their hopes on that foreign and despotic Government? Pending the settlement of the land question, the people could assemble and strike whatever they consider a fair rent, and the man who paid one farthing more should be treated as an enemy to justice and an enemy to the Irish people. This was the way he proposed to put an end to rackrenting—it would be better for the landlords to have the people on the land"—here is the new element developing — "or the people might leave the lands lying waste for the crows to perch on. The people would see that those evicted farms or holdings were allowed to remain waste, or they might find it convenient to drive their cattle to graze on the land." See how the wildfire spreads. And next, they proposed to put an end to landlord oppression. How? The landlord had no interest in it, according to the speeches of counsel in the Queen's Bench. How did Boyton propose to put an end to landlord oppression? By putting an end to landlords as a class. He says—"By simply putting an end to the landlords themselves, as a class, by putting an end to landlordism in the country—when they would exterminate off the face of this fair land the whole race of agents, bailiffs, rent-warners, and all other tools of landlordism." Did he mean it? Did he mean it? It was only Nally, who has allowed a counsel to insinuate that he did not mean what he was saying. If any counsel for Boyton dared in this Court to say the man did not honestly mean what he said, Boyton would get up and dismiss that counsel. It is plain he means it. It is plain he means what he says. What becomes of the talk now that this is to be peacefully and quietly effected—that the Irish revolution is the only revolution in the world that is to be carried out with rose water? An oratorical allusion is made to the "Red Sea," through which Ireland must go in its path to victory over landlordism. And next they propose to put an end to landlord oppression ——

Mr. *Curran*.—No one ever suggested we should go through the Red Sea.

Sergeant *Heron*.—Certainly not.

Mr. *Curran*.—You say counsel stated it.

Sergeant *Heron*.—Oh, no.

Mr. *Curran*.—On the contrary, counsel said this was to be a constitutional agitation.

Sergeant *Heron*.—I refer you to the Beaufort meeting. How was Mr. Boyton to put an end to landlordism? "By simply putting an end to the landlords themselves as a class." I wish my learned friend, Mr. Macdonogh, would give his exquisite explanation of that sentence—"Putting an end to the landlords themselves." How? Not only by putting an end to landlordism, but by exterminating the landlords off the face of this fair land. "They would exterminate off the face of this fair land the whole race of agents, bailiffs, rent-warners, and all other tools of landlordism." How is he to exterminate them without murdering them? And then he wished the people to bear in mind that when those meetings had ceased and men went home quietly, going on with their daily avocations, that there

would be an organization working over the whole land. My learned friend tried in vain to laugh at that opening sentence. Now, remember it was my learned and ingenious friend, Mr. Curran, who spoke for Nally. Not one of the other counsel dared to say his client did not mean what he said. Not one of them dared to say his client would not do what they intended to do if the police and the Irish regiments were out of the country, and if they got the opportunity. Mr. Parnell in the same manner develops his views. And this reminds me that the views of Irish history and of English history, as they appear in the speeches of the Land Leaguers, appear to be rather mixed. Mr. Burke, at Manorhamilton, on August 29th, 1880, abused Queen Elizabeth and Henry the Eighth. He also referred to James the Second, who, he said, was the murderer of the beautiful Catholic Mary Queen of Scots. Mr. Parnell is said to be a young man from Cambridge, and should have had a great education. At Beaufort he says—"I have spoken at greater length than I expected. We will see that the people will not be swept from the country while there is money to defend them in the courts of law. The National Land League has plenty of money at its disposal for the purpose of defending the tenantry of Ireland. Your fellow countrymen in America will send you as much money as you want. Everywhere throughout the States I found the greatest anxiety to help you. Do not, then, be afraid; band yourselves together; organise yourselves (cheers) against the landlord system, and, believe me, the day is dawning when we shall have taken the first great step to strike down British misrule, and the noble dreams of Grattan, Emmet, and Lord Otho Fitzgerald"—your Democrat dearly loves a lord—"and of every Irish patriot, ought at all times to be brought to a triumph and realization (cheers). I have much pleasure in proposing this resolution:—'That in the opinion of this meeting the eviction of occupiers of land for non-payment of a rent arbitrarily fixed by the landlord is unjust, subversive of the interests of the country, and calls for the emphatic condemnation of all lovers of justice.'"

Mr. Justice FITZGERALD.—Lord "Otho" Fitzgerald is it?

Sergeant *Heron*.—Yes, my lord, Lord Otho it is. But you may remember, at the time, the matter was read with emphasis. My learned friend is as watchful as possible, and there was no cross-examination on the subject. I am told if you refer to the *Freeman's Journal* you will see the same—Lord "Otho" Fitzgerald. It may be a *lapsus linguæ*, or carelessness about Irish history. But at all events if is quite plain Parnell knew Lord Otho Fitzgerald, and that he had never read or heard of the Shan Van Vocht.

Mr. P. *O'Brien*.—Keaveney is the name of the constable who reported that meeting.

Mr. Justice BARRY.—Yes, I remember it perfectly. It was one of the constables.

Sergeant *Heron*.—Of course, Mr. Parnell said it, just as Mr. Burke, another of the orators, said that James the Second murdered his great grandmother. I have not wearied your time in the wild talk about the land systems of Europe, all of which is contained in the tremendous brief my learned friend had before him, and which I hope will be preserved as a historical record; nor the wild talk about landlordism in France and other countries; the extraordinary perversion of Mr. John Stuart Mill; the wild perversion of history; the extraordinary way all the old grievances of Ireland have been raked up. Have other countries no grievances? Stands Scotland where it did? Has Scotland not forgiven the memories of Culloden? Has not noble Hungary forgiven the

capitulation of Vilajos, and the massacre of the 700 Hungarian officers by Haynau. And is it possible Ireland is to linger in one long continuous preaching of the gospel of hate, because that on many a battle field long ago, English and Irish fought against each other; and now, on every battle field since Waterloo they fought beside one another, and for the cause of their king and country? Mr. Parnells ays, at Ennis, on the 19th September—"It will be the measure of your determination not to pay unjust rents ('good,' and cheers). It will be the measure of your determination to keep a firm grip of your homesteads (cheers). It will be the measure of your determination not to bid for farms from which others have been evicted (cheers), and to use the strong force of public opinion to deter any unjust men among you (and there are many such) from bidding for such farms. If you refuse to pay unjust rents, if you refuse to take farms from which others have been evicted, the Land Question must be settled (cheers), and settled in a way that will be satisfactory to you. It depends, therefore, entirely upon yourselves, and not upon any Commissions or any Governments. When you have made this question really ripe for settlement, then, and not till then, will it be settled. It is very nearly ripe already in many parts of Ireland. It is ripe in Mayo, in Galway, in Roscommon, in Sligo, and in portions of the county of Cork, but I regret to say that the tenant farmers of the county of Clare have been backward in organization up to the present time (shouts). You must, then, band yourselves together into Land Leagues. Every little town and village must have its own branch. You must know the circumstances of all the holdings and all the tenures within the district over which the Land League has jurisdiction. You must see that the principles of the Land League are inculcated, and when you have done this in Clare, Clare will take her rank with the other Irish counties, and you will find that you will be included in the next Land Bill which will be brought forward by the Government (cheers). Now, what are you to do to a tenant who bids for a farm from which his neighbour has been evicted? (Various shouts, among which 'Kill him,' and 'Shoot him.')."—That passage I read before. That is the boycotting of a tenant who takes an evicted farm.—"Now is the time for them to settle, before the people learn the power of combination. We have been accused of preaching Communistical doctrines when we told the people not to pay an unjust rent, and the following-out of that advice in a few of the Irish counties has shown the English Government the necessity of a radical alteration in the land laws, but how would they like it if some day or other we told the people not to pay any rents until this question was settled? We have not told them that yet, and I hope it may never be necessary for us to speak in that way. I hope the question will be settled peaceably, fairly, and justly to all parties, but if it should not be settled, we cannot continue to allow this millstone to hang round the neck of our country, throttling its industries and preventing all progress, and it will be for the consideration of wiser heads than mine ('There could not be') whether if the landlords continue obdurate and refuse all just concessions we shall not be obliged"—we the Executive—"to tell the people of Ireland to strike against all rent until this question has been settled, and if the 50,000 tenant farmers of Ireland struck against the 10,000 landlords, I should like to see where they would get police and soldiers enough to preserve the peace (cheers.)" Does not Parnell there show that he is guilty of that crime which Daniel O'Connell denounced in the Repeal Association? Does he not there say he will advise a strike against rent, and did

not Daniel O'Connell state the truth when he said that the man who would advise such a course would be the worst enemy of the Irish people, and O'Connell from his grave calls Parnell the worst enemy of the Irish people. At Kilkenny the wild talk goes on. The resolution "speaks of the proprietary right of the tenant as well as the proprietary right of the landlord. I think it will be very difficult to establish such a practical system of partnership as will secure and recognize these two joint and different proprietary rights in the land (cheers). The proprietary right of the tenant is the right which he has earned by reclaiming the land from a state of nature, and by making it productive for the benefit of all; the proprietary right of the landlord is the right which he has obtained by force, fraud, and conquest (cheers), and it is, therefore, impossible that you should be able in these days, with the history of the past in view, to recognize such different and entirely opposed proprietary rights (cheers)."—Listen now to the smooth and delicate way in which the abolition of landlordism is proposed, following out what Boyton called the extermination of landlordism, by exterminating the landlords themselves, their agents, bailiffs, and rent-warners.—"Independently of these considerations, there are many others which I could allude to just now, but I do not wish to detain this vast meeting at too great length (cheers, and 'Go on'). I believe that it is not possible to obtain from the Legislature a system of partnership between the landlord and the tenant in the soil. One of them must go. Which shall it be? (Prolonged cheers.) The landlords say the tenants must go."—Is not that a most unjust observation?—"The landlords say the tenants must go."—The defendants' case is that the tenants are there, that the lands are set up for competition, and that by the competition of the tenants amongst themselves rents are unjustly raised. But it is said here—"The landlords say the tenants must go, and they have sent many hundreds of thousands of the tenant farmers of Ireland from this country into exile. They have sent them (a voice—'We know it well; we will give them their turn now'), and they say still that there is not room in Ireland for the tillers of the soil; but I submit to every reasonable man that it is far easier to remove the few than the many (cheers), and that the evidence of the uncultivated though fertile fields which we see in such vast tracts in every part of Ireland with scarcely a single inhabitant, with nothing to show that they were ever populated except the ruins that we see in every direction of the once happy and peaceful homes which existed there, I say that this is sufficient evidence for us to see the absolute necessity which exists for getting our people on to the land so that they make it produce what it is capable of producing (cheers), and if the ownership of the few landlords, the ten thousand landlords, has depopulated these lands and put them back almost into a state of original nature, is it not high time that this ownership should cease, and should give place to a system of land tenure of a natural—of a kind which will allow the land to be properly cultivated? (Cheers.) I believe a system of partnership in the soil to be impossible, and I warn you that if you pursue it you will be pursuing an *Ignis fatuus*, a method of solving which you will never obtain from the present or any other Government. If you strive to prop up the system of landlordism by these means, what will the Government do in all probability? They will offer you, as the principal plank in the reformation of the land system, some miserable amendment of the Land Act of 1870: and recollect the radical difference which exists between the Land Act of 1870, and the Ulster custom as legalized by that Land Act, and the system of

partnership in the soil known as the plan of fixity of tenure at valued rents. Then he goes on, in reference to the question of fixity of tenure, and he says—"Let, then, your power be directed for the purpose of bringing about a natural system of land tenure in Ireland. Do not waste your resources in striving to prop up landlordism ('Never'), but ask for your right, and your right is that the man who tills the soil may own it (cheers). This has been tested before in other countries, and in every other country where the feudal land tenure existed they have substituted ownership for it. Do not, then, tinker with this question, because if you do you will be left pretty much as badly off as you were before. The Government will never agree to value rents between the landlord and the tenant; they will agree to make you the owners if you declare it unmistakeably that it is your intention to become the owners, and if you organize yourselves in this county of Kilkenny ('We will'), if you join the National Land League (cheers), and send us information as to the rents of the tenantry throughout this county, as soon as we get information we will organize a strike against rent on the estate of every rack-renting landlord in Kilkenny (cheers). As soon as you form yourselves into branches of the Land League, and send us the rentals, and the Poor Law Valuation of every tenant farmer in the county, we will select out of that number for you those holdings which are obviously paying a rack-rent, and we will come down and assist those tenants to strike against the payment of further rent for some time (cheers). But we wish you to do this in a methodical way. You must organize yourselves, you must collect the information and send it to us, and then we will select a certain number of landlords in this and every other county, and we will call upon the tenantry on those estates to refuse to pay any more rents until those rents are permanently reduced (cheers), and we will stand by the tenantry in this struggle; we will help you with all the resources at our command, and there are millions of your countrymen and countrywomen in America who will help you also (cheers) and ("We have to thank you for it") who will send you money to keep up this struggle as long as you bear yourselves like men (cheers)." Again, I say, do they not confess and glory in their guilt? Does any counsel for Mr. Parnell assert that these gentlemen do not mean what they say? Well, gentlemen, at Galway, on the 24th October, he made a remarkable speech, when he says—"That the people who are primarily responsible for the murder of Lord Mountmorres, if it was an agrarian crime, and of that I have very great doubt, are the House of Lords, who, by rejecting the Compensation for Disturbance Bill, took the arbitrament of this question from the courts of law, and placed it in the hands of the people; and the man who is secondarily responsible is this pretended humanitarian Chief Secretary of ours, buckshot Forster, who, when the House of Lords kicked out his bill, and smote him on one cheek, turned to them the other cheek to smite also. He foresaw then, and he publicly stated in the House of Commons, that he anticipated an increase of crime, outrage, and loss of life in Ireland, and yet in the face of that he deliberately refused to keep Parliament together, and to force through the House of Lords a measure which would prevent him from being made the instrument of landlord tyranny and injustice." I have already commented on that most remarkable speech. It is always to be read in conjunction with the pastoral of the Archbishop of Dublin to his clergy of the diocese, about the same time. I have already read the speech of Mr. Parnell, at Kilkenny on the 2nd October. Lord Mountmorres was murdered on the 26th

September, and I find no reference to Lord Mountmorres's murder in that speech. The conclusion is, "And then when we have found out these bad landlords, and have reduced them to their knees, and when we have settled the question without any Act of Parliament as far as the bad landlords are concerned (cheers), we shall not find it any more difficult to reckon with the good landlords, whom my friend, Mr. Marum, is so anxious about (loud cheers)." The speech concludes with a sneer about the good landlords of Ireland. Well, gentlemen, what is called by counsel for the traversers, "wild talk" goes on at Tipperary on the 31st October. He introduces the subject of the police and military, and the attempt at enforcing the law by their aid. He says, "Agitation and organization have been confined to one or two or three particular counties or districts, and it has been possible for the Government to crush the agitation in detail, by crushing the counties in detail (hear, hear), and I confess it is not a very good sign to see the Government taking police from Tipperary and sending them into Mayo. (A voice, 'We will make them send them back again.') The constabulary are used, not for the purpose of preserving law and order, but for the purpose of intimidating the people (hear, hear), and preventing them from organizing. And because Mayo is the best organized county in Ireland, the Government have sought to tyrannize over Mayo by taxing them for additional police; but if Tipperary and every other county in Ireland organise themselves as well as Mayo, they will not be able to send 1,700 police into Mayo, they will not have them to send, and they will not be able to inflict an additional establishment upon any county in Ireland. They have only 11,000 police in this country, and that gives an average of about 300 men to each county. Well, you see, therefore, that if it requires 1,700 policemen to intimidate a well organized county, it will be an utter impossibility to intimidate all the counties in Ireland if they are organized, because it would require an increase of something like 55,000 or 60,000 policemen instead of only 10,000. I have gone into this little arithmetical calculation for you lest you might be afraid that if you organized yourselves in Tipperary the Government would attack you with extra police. Now this, as I have shown you, cannot be so, because when all Ireland is organized, it will be utterly impossible for them to get enough policemen in Ireland to intimidate the whole country. The two chief planks in our platform are, firstly, that the tenants shall not pay rack-rents, and secondly that no man shall take a farm from which a tenant has been evicted under such circumstances (cheers). Now, if you carry out these two principles, it will be utterly impossible for any Government, no matter how strong, to prevent the march of progress in Ireland; you must win. (Cheers.) It is a thing which must happen, and you must ultimately succeed if you simply stick to these doctrines, refusal to pay unjust rents, and refusal to take a holding from which your neighbour or anybody else has been evicted. Don't allow yourselves to be diverted by a discussion as to the best method of settling the land question. (Hear, hear.) Some gentleman, no doubt with the best intentions, have sought to introduce disunion amongst Irishmen by asking us to formulate our plan. Now we intend to formulate our plan when the time is ripe for the settlement of the land question. (Cheers.)" One of my learned friends on the other side interrupted me when I said that statements had been made at these meetings that the landlords had been got rid of in other countries in Europe. I shall read Mr. Parnell's opinion on that subject at the Limerick meeting held on the 1st November. He says "Let us then adopt a sensible land platform (hear, hear). Let us

adopt a platform which will enable all classes in this country to benefit by it, the labourer as well as the tenant farmer (hear, hear); which will get rid of a system which has been tried and found wanting in every country in the world. They got rid of their landlords in France; they got rid of them in Prussia, and they got rid of them in Belgium. Why should not we get rid of them in Ireland? (Cheers). Are they worth the keeping?' At the time of the Revolution in France they got rid of many of them, but a great many came back again; and gentlemen, anyone who knows anything about the country, knows that although land is immensely sub-divided in France, and in the departments, as they were called, an immense peasant proprietary was kept up, yet everyone knows that landlordism existed largely in France, and that immense rents were derived from the land by noble families living happily on estates with a contented tenantry. Well, really, gentlemen, the astounding ignorance displayed is something perfectly appalling, that such things could be said. His statements of course could not be contradicted by the poor people he was addressing in Limerick. He says they got rid of them in Prussia? If he knows anything about it, he is alluding to the land reforms introduced by the statesmen Stein and Hardenberg, which were not to get rid of the landlords, for in those splendid provinces along the Baltic they are there still, a landed nobility. And anyone who takes the trouble to look up the roll will find a great many Irish names amongst the landed gentry and nobility of Prussia. And also in the German provinces belonging to Russia, Livonia, Esthonia, and Courland, along the Baltic, they will find amongst the nobility and gentry such names as Lacy, Brown, Nugent, Reille. They live there amongst the German speaking nobility of those splendid provinces, living amongst a contented and happy tenantry. No doubt serfdom was got rid of by Stein and Hardenberg. The Emperor Alexander II., since 1860, got rid of the serfdom of Russia, and he by that act did more good almost than any living man in Europe or America. The two mighty events of this century are the emancipation of the slaves in America and the emancipation of the serfs in Russia. Why, gentlemen, the statements made at some of these meetings surpass everything in the way of audacious ignorance. "They got rid of them in Belgium." Does Mr. Parnell know anything of what he is talking about? Is he worth refuting? After saying the landlords were got rid of in Prussia, Belgium, and other countries, he then tells the ignorant mob of Limerick, with all the excitement of a great city aroused, and the respectable farmers of Clare, Limerick and Tipperary, who came in to listen to him addressing them about the land—appealing to their greedy passion of gain and to all that was bad in the Irish character, appealing to them not to pay their debts, and he says—"They got rid of their landlords in France; they got rid of them in Prussia, and they got rid of them in Belgium. Why should we not get rid of them in Ireland? Are they worth the keeping? (Loud cries of 'No.')" And he is cheered by the tenant farmers, to whose sordid passions he has thus appealed, and by the mob of Limerick. Gentlemen, he continues—"Has not their maintenance in this country rendered almost necessary, they tell us, the exile of hundreds of thousands of our people? ('Yes, it has.') But our people are not to-day powerless as they were in 1848. An unexampled series of bad seasons, which in 1848 was used by the landlord class to exterminate the tenanty, now finds the tenantry banded together for the assertion and the pressing home of their rights (cheers). Do not then let us waste these enormous forces in trying

to effect what is both an impossibility, and what, if obtained, would only perpetuate confusion and disunion between classes in this country. You have now an opportunity of getting rid of the landlord system, not, as my friend, Mr. Synan, says, after a generation or so, but very soon (cheers). I believe, that within two years you will see part of the work which was done by the famine undone. I believe that you will see within that period the resumption by the State of the titles in the land, which it has granted, through the Landed Estates Court, to land jobbers (cheers); and do not let anybody for a moment suppose that these things are impossible, or are for such a remote future. They are very much nearer than many of us suppose, but the nearness and completeness of this settlement must depend entirely upon your own exertions, and what we ask you to do for this winter is to push down the rents, lower the rents (hear, hear), to combine amongst yourselves (A voice, 'They have us processed'). Why, if you are afraid of a process you had better go out of the country altogether, to combine amongst yourselves, and to offer the landlord a just rent, to bring the strong force of public opinion to bear upon any man who dares to take a farm, and in this way you have the power of settling the land question this winter in Ireland (cheers), and when you have done that, and not till then, the English Parliament will do it for you. (Loud applause.)" He then gives the illustration to which I referred, of France, and Prussia, and Belgium. He does not give the illustration of Russia, where the serfs were emancipated. Why, in every country where the serfs are emancipated and free they extend their labour and industry to every quarter of this fair earth which God has given us. We are to be rooted in the soil, and the phrase *adscripti glebæ*—bound to the soil —once the badge of serfdom, is, under the law of Mr. Parnell, to be the badge of the Irish people. In the early portion of the movement the three F's—fixity of tenure, free sale, and fair rents—were sometimes referred to. At Waterford City, Mr. Parnell treats that with the most thorough contempt. He says—"I ask you then, in the face of these difficulties, what is the use of expecting a really satisfactory measure of land reform from the Parliament this session? (cries of 'No use.') No, you will be left at the end of the session as you were left at the end of last session, to depend upon your own determination and organization for yourselves (cheers, and a voice: 'We will cling to the Land League'). This is one of the chief reasons why I have always resisted what has been called the three F's. The three F's necessitate valued rents. Whether the results of a re-valuation would be fair to the tenant would depend entirely upon the basis of the re-valuation, and the tribunal which had to carry it out. And I ask you what is the use of expecting from Parliament, constituted as I have just shown you it is constituted, any basis of re-valuation which will not be enormously in favour of the landlord against the tenant ('hear, hear'). Let us take our stand upon our just rights ('hear, hear'). Don't let us ask for anything that is impracticable or impossible. Don't let us ask for anything which has not been sanctioned by the successful example of almost every other European country (hear, hear). And taking our stand upon our just rights of ownership of the land for the people of Ireland (cheers), let us leave to the enemy the offer of compromise (hear, hear). Let the first offer of compromise come from them, for they are the beleagured and isolated garrison, surrounded by their enemies; and I warn them that if they waste too much time, if they delay too long to settle with the enemy when he is in the gate,

when he is still in the gate, the day will very soon come when they will find that their power of proposing or obtaining any compromise has been taken away from them (hear, hear), and they will bitterly lament that they have thrown away their opportunities when the people of Ireland were still willing to allow them to depart in peace, with such compensation for their interests as might seem to be fair (cheers)." Gentlemen, that is the last speech of Mr. Parnell's I will trouble you with. In every speech of his he boasts of being the leader of this conspiracy; convict him if you believe him, acquit him if you can. Gentleman, Mr. Parnell and Mr. Biggar, after using those strong expressions, tried to unsay or qualify what they said. There is no mistake at all about the utterances of Mr. Dillon. He spoke openly and plainly. He and Mr. Parnell were together in America. Mr. Parnell returned first. Mr. Dillon, I believe, does not begin to speak until August. But on the 15th August, at Kildare, he spoke to a great meeting. He says—"First of all, the immediate object is to put a stop to rack-rents; every man in Kildare shall pay it no more. Secondly, we must insist that no man or woman shall be put out of his or her farm. No evictions shall be in Kildare. Third, no arrears of rent shall be levied in Kildare." There is a ukase! Did the worst tyrant in Russia ever utter such a phrase as that, "No arrears of rent shall be levied in Kildare." "The country is emerging out of a grave crisis, and there is no use in a good season if you will not be in a good position to take advantage for it. If you pay rent and arrears of rent this year then the good harvest will go to the landlords. Therefore this year there shall be no arrears of rent paid." God had granted the blessing of a good harvest, which came to disappoint these agitators. That blessing of a good harvest was turned, as it were, into a curse by insisting that in that good harvest which the blessing of God had sent the landlords, who were to be exterminated, should have no share. "If the people desire to put down landlordism, the only road to this is to have an organization in the country, that every farmer shall belong to a branch of the Land League that exists throughout the country, that all the young men shall be prepared to march to the meetings, and in proper order too. And when we have that organization perfected, let the word go out that no farm from which any man has been evicted shall be touched or used until the rightful owner shall be put back again (cheers)." No suggestion there about just or unjust rents with which Mr. Biggar always cloaks that sentiment, "but let the word go out that no farm from which any man has been evicted shall be touched or used until the rightful owner shall be put back again." Then he tells what has occurred in Mayo, and exults in the destruction of property and laying waste the lands of that great county. Then he says—"The conclusion that we come to to-day is that we resolve to adopt the principles of the Land League—'The land for the people.' I believe that what the Irish people want is to have the land their own. If any farmer prefers fixity of tenure, he can have it. But I claim that the people of Ireland shall have the right to make the land their own. The rights of the people are to be won by the exertions of the people themselves (cheers). We, your representatives, have good duties to perform in Parliament, and we cannot do those duties and get justice for Ireland unless you fight it out yourselves. We can paralyse the hands of the Government, we can prevent them passing coercive laws that would throw you into prison for organizing yourselves. We can tell you, the people, to drill yourselves and organize yourselves, and we can

take it out of the power of the police to arrest every man found out after eight o'clock at night (cheers). We in Parliament can see that Irishmen have a right to be out after eight o'clock or all night if they like. We will see that they have a right to march to meetings and obey the commands of their leaders if they chose to do so. We shall see that every man in Ireland shall have a rifle if he likes (cheers). All I will say is that if the manhood of Ireland is not enough, when you have your rights, to win your freedom and put down landlordism, then I shall be ashamed to call myself an Irishman (cheers). Let the people of Kildare show during the coming autumn that neither dukes nor marquesses, nor any other lords, can terrorise you or intimidate the manhood of Ireland (great cheering)." The reference there is to the Duke of Leinster and Marquis of Drogheda. At Hollyford, county Tipperary, on the 17th Oct., Mr. Dillon again says—"I remember a short year ago, when this banner was first raised in my native county, the county of Mayo, in the town of Claremorris. That was where the cause was first started. I spoke at that meeting. It was not a very large one, and then we had every one nearly against us, and we were weak in numbers, and our cause looked weak; but now, to-day, fifteen meetings, each larger than this, are assembling in twelve Irish counties, and a hundred thousand Irishmen are to-day assembled on the plains of Ireland to declare that landlordism must go down in Ireland if you are a united and determined people (cheers). This is a cause which every Irishman can go into, whether he be Catholic or Protestant, whether he be a Nationalist or not. It is a cause which the Irish Nationalists can go into, because its object is to break down and defeat the English garrison which holds this country for England. Its object is to clear the path for Irish Nationality, by emancipating all the people of Ireland from the control of English landlordism, and settling them in their own homes as free men. It is a cause which Catholic and Protestant can go into side by side, and shoulder to shoulder, and although efforts have been made to raise a cry in the North—in Ulster—that the Orangemen of Ulster will oppose this movement, I have been invited to speak in the north of Ulster on next Tuesday, and I have been promised that thirty thousand Ulster men will meet me on the field. I tell you that before three months are out you will see the Protestant farmer of Ulster stand shoulder to shoulder with the Catholic farmer of Tipperary, united in one league, whose motto will be, "Ireland for the Irish people, and down with landlordism (cheers)." And again he says, "If you organise as well as they have done in Connaught, you can carry out this programme, the Land Leaguers of Dublin will support you, but you must organise strictly. Remember that to-day you are only commencing the fight. Every townland must be canvassed carefully, and every farmer asked to join; and any man who breaks the rules of the Land League, and takes a farm from which a neighbour has been evicted, or who buys cattle or crops which have been seized for rent, or who has any dealings with a man who has taken a farm from which a neighbour has been evicted, that man you must not speak to, you must not buy from him, nor sell to him, nor have any dealings with him whatever, and before a month is out he will leave the country and the farm vacant. Now, how are you to set about organising? In each townland two men should agree to go round and ask every farmer to give his name for the Land League. Let them go with books, and let each farmer give his valuation and his rent; let those be brought all into a central committee, and submitted to them, and let them say

where the rents are excessive, and in that townland order the members to pay no more than a certain sum for rent. When that order goes out any man that does not obey it is a traitor to the people, and a friend of the oppressors of the farmers, and do not you have any more dealings with him, and he will soon leave the country. By that means I tell you that you can reduce rents here in Tipperary, by your own unaided action; by that means you can put a stop to eviction, by that means you can make yourselves independent of the landlords, and until you have done that by your own action in Tipperary, I tell you that the English Parliament will give you no justice." He spoke in Clonmel on the 24th October. That was a great meeting. The Roman Catholic clergy were present, as was proved. Mr. Arthur Moore was present, and several other persons, in whose presence Mr. Dillon had to be more careful than usual. But he says—"The great thing is you must multiply the branches of the League; start one in every parish. You must go on with this policy. If the Government prosecutes, you must show if the Irish people are a nation of cowards or a nation of men. The way to act if the Government prosecutes is this: if they prosecute your president or the secretary, put two other men in their places and go on with the work. By-and-by the jails will be full, and they will find it not so easy a task to put the whole of Ireland into jail (cheers). In fact, it is my impression, if they continue this policy, before long they will find the best thing to do is to put the landlords into jail." This was received, of course, with cheers, just in the way the celebrated Prime Minister went into the war with a light heart. This was on the 24th October, Lord Mountmorres having been murdered on the 26th September. "Now, there is no necessity whatever for any nervousness on the point of crime. I am not aware the Irish people have been guilty of crime to any extent that justifies what has been said. I am aware that the London press are manufacturing deliberately in Dublin false crimes, which they are sending over by the column to London to raise a cry against our people (cheers.)" This, gentlemen, is a serious attack on the reporters who send the Irish telegrams to London. "But there is no necessity whatever for any nervousness on the point of crime." Have they not stained their cause by crime? Did he consider the murder of Lord Mountmorres no crime—the murder of an unfortunate nobleman no crime? "But I say, I refuse to denounce crime because I say the Irish people have not stained their cause by crime. The landlords need not get into a state of excitement, and imagine we are going to burn or pull their houses down as they have pulled the houses of the people down. (A voice: 'No.') We do not propose to do any of those violent things, because we are the majority; we have the power on our side, and we are going to win. (A voice: 'We will do it.') We do not need therefore to do anything which will justify their outrageous language, but we do need to show that the people this time are determined, and they will not be deluded either by Whig orators, or be told to trust to the Government which has nothing to give to the people but coercion and prosecution, but will trust to their own eyes and their hands. They will show the landlords and Government in spite of their teeth they will retain the lands of Tipperary, and will hold the lands of Tipperary, and when we have told them that lesson, for years to come you will find that the landlords of Tipperary will go not to the Castle to ask for coercion, but to Westminster, and say, 'For God's sake settle the land question.' Give them something, abolish landlordism, and let them be rid of their tenants."

That is a quiet speech, and, as I said before, the clergy and some members of Parliament were present—a very quiet speech. Even in reference to crime "he told them not to be nervous about it" he would not "denounce crime" because no crime had been committed, However, in Tipperary it was not necessary to speak with "bated breath and whispering humbleness" at all. "It was not till lately that Tipperary knew what landlordism was, and I am happy to say that it is not the first time that Tipperary rose in rebellion against landlordism. (cheers.) Many of you know that in the last century for three years this county was in open rebellion against landlordism, until they poured their troops into it and smothered the resistance of the people in blood, when they killed poor Father Sheehy at Clonmel. (Groans.) From that day to this the people of Tipperary have been either in open or in smothered rebellion against that institution, and to-day you have assembled, I suppose the largest meeting that ever gathered in Tipperary, to declare that we are now going to make a new departure, not to forget or to make terms with landlordism, but to raise the banner again, and enrol every man in Tipperary, who is not a landlord or an agent, under the banner of 'Down with landlordism,' and the land of Ireland will be given back to the tenants." Then, speaking of men being put in prison, he says—"For every man that is put in do you knock off a certain per centage of the rent you are going to pay. With regard to the rent, I think that the time has come in Tipperary now when we ought, in the name of the National Land League, to proclaim all over this county, that for this year the people shall pay no more rent than Griffith's valuation—that they shall pay Griffith's valuation, and no more (cheers). I think that is about the fairest thing that we can come at. If the landlords do not like that, let them go over to London, and go down and make a petition to the London Parliament to settle the question. The people of Ireland have petitioned to that Parliament too often. The people of Ireland will not petition to an English Parliament again." Well, that advice, I believe, has been followed.

Mr. *Curran.*—The Dean of Cashel was in the chair at that meeting.

Sergeant *Heron.*—The Dean of Cashel!—Yes, yes.

Mr. Justice FITZGERALD.—Did the Dean of Cashel remonstrate against the use of that language?

Sergeant *Heron.*—Gentlemen of the jury, I referred to a very important meeting at Limerick. These meetings are held in what I will call great centres of wealth and industry. Clonmel is a fine town. Everyone familiar with business knows that Ireland is not such a starving place all over as these persons are perpetually asserting. My learned and able friend, Mr. Macdonogh, referred to the Parliamentary returns in a general way about the agricultural distress in the country. These things, as was observed from the Bench, are all perfectly well known, and collected in that able collection of statistics, Thom's Directory—they are perfectly well known to every one. But almost a few pages on in the same returns about Ireland, if my learned friend looks, he will find by the Probate returns that the value of property in Ireland increased from £90,000,000 from 1845–1850 to £250,000,000 in 1870. He will find that these oppressed tenant farmers, out of thirty-two millions on deposit receipts in the Banks and the Savings and Post Office banks in Ireland, have twenty millions, and we in Ireland are paying income tax on £35,000,000.

Mr. *Sullivan.*—There's no such column in the statistics for the tenant farmers of Ireland.

Sergeant *Heron*.—Does he say that the tenant farmers of Ireland have nothing in the banks?

Mr. *Sullivan*.—I said nothing of the kind. I said there was no such column for the farmers.

Sergeant *Heron*.—Then I ask my learned friend to state—

Mr. Justice FITZGERALD—You have no right to put a question to counsel, sergeant.

Sergeant *Heron*.—No, my lord, but the tenant farmers have twenty millions of money in—

Mr. *Macdonogh*.—I must take the liberty of interposing, and I am sorry to have to do it.

Mr. Justice FITZGERALD.—We have no evidence before us for that statement, sergeant.

Mr. *Macdonogh*.—He has no right, my lord, at the close of the case, to state these figures, unless he does me the favour of permitting me to reply to him.

Mr. Justice FITZGERALD.—You have no right to address the court, Mr. Macdonogh.

Mr. *Macdonogh*.—Very well.

Sergeant *Heron*.—My learned friends will not permit me to say we are paying income tax on £35,000,000. This is the old system of comparing Ireland to the starved apothecary. It is exploded. However, I may refer to Mr. Dillon in Tipperary—Clonmel, a prosperous town; and Limerick, although not so prosperous as it ought to be, still a great centre of wealth and industry. "Let me tell you that the National Land League of Ireland does not propose only to prevent the landlords raising the rents, but it proposes to teach the landlords of Ireland that the day has gone by when they are to fix the rents of Ireland." There is a new claim coming in—the landlord is never to raise his rent. "Let me tell you that the National Land League of Ireland does not propose only to prevent the landlords raising the rents, but it proposes to teach the landlords of Ireland that the day has gone by when they are to fix the rents of Ireland (cheers), that until they come to a just settlement of this question, the Land Leagues, the farmers of Ireland, shall fix the rent at a fair value, and pay no more than what is fair. We propose to bring down the rents of Ireland to what will be a fair value. We propose to take back from the landlords what they robbed from the people in the days of their power. We propose to settle the Irish land question by showing (a voice, 'American principles,') the Irish landlords that we, the people of Ireland, have the power, without appealing to Parliament at all, to dictate to them what rents we shall pay, and to pay no more. Now I want to ask the people of Limerick are they going to submit to tyranny while Tipperary, and Clare, and Kerry, and Cork, have raised the banner of revolt against it? ('No, no.') If you are not going to submit, show you are men, and let there be before Christmas, before three weeks, a branch of the Land League in every parish of the County of Limerick (cheers). Go over the rent-roll on every estate in Limerick, and when the next gale day comes, have agreed amongst yourselves what you are going to pay. In Tipperary they have pledged themselves to pay no more than Griffith's valuation. I think you would do well to take the same pledge in Limerick. ('We will.') When you have taken it, stand to it like men, and stand to each other, and if any man goes back on his neighbour, then let him be an outcast in Limerick (cheers). Now is the time for every county to organize and pull together in this cause. Do not allow the Government to beat down Mayo or Galway while Limerick is quiet. They

will come to you afterwards when they have defeated Mayo. When they attack them in the rear, show them that they will require as much trouble to levy rackrents in Limerick as to levy them in Galway. Keep the police if necessary, marching from one end of Limerick to the other, as they have got to march from one end of Mayo to the other, and before a year is out, you will bring things to such a pass that it will take, not 11,000, but 50,000 police to levy rackrents in Ireland. When you have brought about such a condition of things that 50,000 police will not levy rackrents, then the Irish land question will be settled, and the landlords will come to reasonable terms without any more pressure. I will only say, in conclusion, that if you do not play the part of men now, do no not ever complain again of bad laws, because if you allow rackrents to be levied in Limerick this year, all I can say is to the landlords of Limerick : 'Rackrent the tenantry of Limerick to your heart's content.'" In Killaloe Mr. Dillon addresses a great meeting, held on the Clare side, of the farmers of Clare and of Tipperary. What does he say? Here is the speech.—"Let the manhood of Ireland rise to-day, and resolve that we will bring the Irish Landlords on their knees before that door. (Cheers, 'Never to rise again.') Let us resolve that the tenantry of Ireland will never again ask for justice at the hands of English ministers or of the English House of Commons, but that by their action in Ireland they will drive the Irish landlords over to London to beg for protection and for justice. (Cheers.) Let me tell you that you can do all this. It only requires you to play the part of men, to follow the doctrines of the Land League, and you will teach the Irish landlord that not he, but the Land League, will settle the rents (cheers) ; and you will teach the Irish landlord that he will not evict one man out of his home until the Land League has given him leave. (Cheers.) The English Parliament has been always the friend of the Irish landlords. Let them go to their old friends now and ask—(interruption.) I say here to-day, in the name of the tenantry of Ireland, that it has come now to that pass that we do not care about legislation." So it has come to that pass, they don't care about legislation. Five or six of my learned friends, one after another, spoke about constitutional agitation. Constitutional agitation! Mr. Dillon boldly says, "Things have come to that pass that we do not care about legislation." Does he mean what he said? "All we want is what was said fifty years ago by a Tipperary priest, Father Davoran, when he wrote to Daniel O'Connell, and said in the Tithe War, 'The Irish farmers do not want protection ; they do not want legislation in an English Parliament ; all they want is a fair field and no favour, and to leave them face to face with the tyrant.'" This is constitutional agitation. That is a quotation said to be by Father Davoran. Then Mr. Dillon goes on :—"All that the tenantry of Ireland want now is a fair field and no favour, and to leave them face to face with the landlords, and we will give a very good account of the landlords and of the rackrenters in Ireland." Now do you see the meaning of Archbishop M'Cabe's pastoral. "Let me say, then, that the man who comes to you now, and tells you to trust to any British minister, or tells you to trust to the present Government because they have promised well, is an enemy, and do not take his advice. Follow the Land League, which has shown its power by protecting the farmer of Ireland ; follow the Land League, which has already forced, to my own knowledge, seven men in Ireland to resign farms which they had taken over their neighbours' heads. In the town of Midleton, in the county of Cork, there was a man evicted and his neighbour took the farm. He had gone behind his back and bribed the

agent; and I sent down there last week, at the request of the Land League, to the town of Midleton, that I would hold a meeting there on Tuesday next, and request him to give up the farm; and on Friday last the Land League got a letter saying he begged to state he would resign the farm. . . . . .
Well, then, the task that is before you is this: Pledge every man who is here, and every man in the two counties—that is Clare and Tipperary—not to pay one farthing over Griffith's valuation (cheers); and if any man——let every parish in the two counties have its Land League, let every man be enrolled in that Land League, and do not wait for them to come in, but send young men round to ask every farmer—having a list of every farmer—to ask him will he come in or will he not? And then you will know who are the friends of the people, and who are their enemies——(interruption), and then let each parish resolve for itself what they will pay. Let them hold a meeting of the executive, let them consider the case, and let them resolve what they will pay. You must alter the resolution according to circumstances. If you have got to deal with a very bad rack-renter who has raised his rents more than double the valuation, you ought not to pay him a single farthing this year. If he is a more moderate man, come down to the valuation; but you must suit the resolution to the circumstances of each locality. When you have come to that resolution, then the man who goes back on the organization—who goes behind backs and pays, while he stands pledged to his neighbours to stand by them—you must treat him as what he is; that is to say, a traitor to his people and to his country. You must make an outlaw of him, and let no honest man speak to him, or have anything to say to him." At Thurles he spoke on the 14th November.—"If we are struck at and imprisoned, whom ought we to hold responsible for that imprisonment? We ought to hold responsible the landlords of Ireland who have urged upon the Government this insane course of coercion. And what will be our plain duty? Our plain duty will be, and our policy, to inflict a punishment upon the landlords of Ireland, which will make them repent of their course. We shall issue orders, the executive of the Land League will issue orders to the people, probably, if this course is determined upon, to strike some counter-blow at the landlords, and I trust and hope that the people will be prepared to obey (cheers). We will advise you to do nothing unwise; we will advise you to do nothing unpractical; but we will advise you to do something that will very quickly bring the landlords to reason, and make them more anxious to let us out than to keep us in." And he says, "I think that, when the country is thoroughly well organized, it will be a very serious question for the branches whether they ought not to come to a resolution not to allow any member of the League to deal with any trader who will not join the League." At Ballaghadereen, on the following Sunday, he says, "We have seen the hand of the evictor stopped, and we have seen cases where processes of eviction have been issued, we have seen the execution of those processes, those eviction decrees, delayed in fear of the Land League and of its followers (cheers). And furthermore, we have not alone stopped the hands of the evictor, but we have undone his work. In seven or eight cases we have taken away from the land grabber the prey which he took from the unfortunate victim of the evictor. ('Down with the land grabber.') Seven farms have been handed back to the Land League at our request, and it is but a short three weeks ago since in the county of Cork a man who had taken a farm from which his neighbour had been evicted, at my

request gave it back into the hands of the Land League of that district." . . . . "Let the tenantry on each estate gather together, or let them elect representatives where the estate is very large, and let them come together and make an agreement of what they are able to afford to pay this year, or what is fair for them to pay, and that will differ according to the different circumstances of the case. When they have made that agreement, let them pledge themselves to each other that no man will go behind his neighbour and break away from the agreement. Let them, then, go in as a body and offer to the landlord or to the agent the rent on which they have agreed, and tell him that they require for that sum a full and clear receipt for the year's rent (cheers). If he refuses to give that full and clear receipt, take home the money and pay nothing, and wait until he becomes more reasonable. Well, now, the man who goes back on his neighbours and who breaks away from the engagement and pays his rent, all you have got to do is to turn the cold shoulder to him, and have no communication with him. The question then arises as to what the landlord will do, or the agent, when this offer is made to him. He may serve you with notice of eviction, and if he does you must then put down your foot and have it out with him. You must hold the rent, and keep that for you own use. If he serves you with a notice of eviction come into the Land League here, submit your case; send up the notices to Dublin; we will take them up and defend them, and we will back you up in this struggle (cheers.) But do not you see—you see the advantage of holding on by the rent, because if any man should be evicted he would want some means to support him until he gets back to his farm, because you must remember, and you must be prepared to run some risk, and, if necessary even to submit to eviction. If you are evicted, as sure as there is a sun above you to-day you will be back again before the year is out. Mayo has taught a lesson to the rest of Ireland in the policy of the Land League, and the word 'Boycott' has gone all over the country (cheers.) Now, what we propose to do is, every evicted farm—we will Boycott the farm, and it will require an English army, such as that which has come down to Lough Mask, to hold any farm from which a Mayo man has been evicted. So long as they keep the army on the farm, well, we will support the tenant who has been evicted somewhere in the neighbourhood, and as soon as the army evacuates he can go back to his own home (cheers). Now, I wish to say a word as regards the amount of rent that ought to be paid. This is a question which we must leave to each branch to decide for itself; but if high rents have been charged for the past years, where the people have been rack-rented for some years past, they ought to pay nothing at all this year. Where the rents have been more moderate, I think that, where they are able to afford it, they ought to pay Griffith's valuation. We leave that to the executive of each branch to decide according to the circumstances of the tenant. Well, now, I would ask you to compare the condition of the Irish farmer of to-day with what it was two years ago, and, when you have made that comparison, let every man who does not like to be a slave take his stand by the Land League, and determine to remain a member of it. What were you two years ago? Is it not true that the agent and the bailiff exercised a terror over every farmer on an estate? Is it not true to-day that you are no more afraid of the agent or the bailiff than I am (cheers). Is it not true to-day that the agent and the bailiff are a great deal more afraid of you than you are of them?" That is perfectly true, and said with exultation by Mr. Dillon. Is it not true to-day that the agent and the bailiff are a great deal more afraid of you than you are of them. Many an agent, many a bailiff through-

out the counties of Ireland are, as is their boast, quivering in fear of the Land League. "And I ask you what is it that has done all this for you? What is it that has made you freemen to-day instead of slaves. What is it that has made, as I said, the agent and the bailiff civil and very much obliged for whatever you will give them? It is the policy and the action of the National Land League. It has taught you how to emancipate yourselves without having recourse to the tender mercies of the English Parliament. You were told before that your only hope was in the Parliament of London, but we told you that your hope was in your own manhood. For thirty years you knelt at the door of England's Parliament, and you got no redress; for thirty years you crouched, or you were afraid, before the agent's office or the bailiff of the estate. But we told you to band yourselves together, and to stand on your own rights and your own manhood; and where are you to-day. You are in a position not to beg for reduction of rents, not to ask for favours from landlords or agents; you are in a position to determine what your rights are, and when you have made up your minds, to stand on them, and to insist on them. Then, if ever again the landlord or the agent tramples upon the tenantry of Ireland, it will be their own fault and their own cowardice. You are free men to-day; before you leave this meeting, resolve that you never will be trampled on again, unless it be over your dead bodies (loud cheers). But remember also that your freedom can only be kept by the strictest organization, by the courage, by the determination, if the hour should come, that you will stand to your rights as men (cheers). We confidently expect that this struggle will go on to the end without bloodshed, without violence, and without danger; but shame on the Irishman who would be afraid, if the necessity arose, and if the risk came, to take his stand by his own threshold, and defend it at the cost of his life-blood. Let it go forth now that the Irish nation, having once acertained their power and their rights, will never again submit to be trampled on, unless their life-blood has been spilt at first on their own threshold." That was at Ballaghadereen, in the county of Mayo, a county with which Mr. Dillon is peculiarly connected. In Fethard, after saying that the house of every landlord in Ireland will be built over a volcano, and he cannot tell the hour when that volcano may burst and sweep him, and all that belong to him, to a far worse fate than that which the National Land League dealt out to him—he says, in conclusion—"I would like to say in conclusion that I think that the interest of this movement, particularly, as regards the good name of the Irish race in foreign countries would be best served by the people maintaining a strictly defensive policy"—and then, referring to Mr. Boycott, again he says, never a man could be touched, for never a hair of his head was hurt. Mr. Boyton speaks at the same meeting, at Fethard. Gentlemen, I am happy to say the last of the speeches I shall refer to is the speech of Mr. Dillon, at Templederry. Speaking there with all the influence that the position of member for the county could give him, after an account of the great exertions he had made in spreading the principles of the Land League, referring to Boycotting and referring to Ulster, he finally makes this promise to the people—"But, as I said before, let the representatives upon each townland under the League come together. Let them as honest men discuss their circumstances, and the condition of the country. Let them talk the matter over. Let them decide what they will do; what they can fairly do; what it would be just to do. Let them then resolve and pledge themselves to stand together and the Land League will support them in the course they determine upon. We leave it to the men who know the soil best, to the men who have lived upon it, who have laboured on it,

and who have brought up to their families out of it; they know what the soil is honestly worth, and they know what they ought to pay; let them decide, and we will support them in their decision. But what the Land League has proved is this, that the day has gone by in Ireland when the landlord can settle the rent by his own free will and whim. The day is gone by when the landlord class have all the power in settling the rent. The day has come in when the people of Ireland are to settle the rents. The day is at hand when rent will cease in Ireland for ever." No doubt, if he were successful, rent would cease in Ireland for ever. And that is the wild political scheme which is proposed to the people of Ireland in order to succeed in this conspiracy. Gentlemen of the jury, I am happy to say that my task is nearly concluded. I have tried in addressing you to speak strictly to the evidence in the case. I have tried to perform that duty. As regards the fourteen defendants, I have endeavoured to speak to you, to use a technical expression, "within the four corners of the record." And if I have said as regards any person outside the record—not defendants, but associated in some respects with them—if I have said an unfair or unjust word to those persons, I now apologise. I have had to do my duty which is at all times for the Crown in Ireland a painful and a difficult duty, peculiarly so at the present time, when of course there is some distress in our land, still distress which all regret, and which the humane and the charitable do their best to relieve. But, gentlemen of the jury, as regards this conspiracy I look on it as almost, almost I will say, at an end as regards success. The attempt to succeed must be put down. They have boasted that they have lowered the rents of Ireland. They have boasted that they have succeeded in stopping evictions in Ireland and that they have prevented for ever that free competition, that inexorable law which regulates the price of every single thing belonging to the earth. They have boasted of these things, but, as regards Parliamentary success or constitutional agitation, I think the political rocket, having gone almost out of sight,—the political rocket of Parnell and his party has gone up as high as ever it will go, and the laws of political gravitation are inexorable. As regards the legal aspect of this case, the prosecution is conducted solely as it were against the strike against rents and all the circumstances of the conspiracy in that respect. But, of course, it cannot be disguised that in this movement the able organizers have sought to engage many other feelings—have sought to engage the clergy of the country belonging to one great denomination in it, and, as I proved to you yesterday, at the meetings where they did not attend, used language of them that we shall not now advert to. They have also sought to include in that movement, and they appealed in that movement to the national sentiment of the country, and at all the meetings where the clergy, no doubt, in numbers attended, wherever any spoke of crime they denounced it—every one—they appealed, I say, not only to the religious element, but to the national element, which is so strong and dear to the heart of the Irish people. And the national emblems were used at the meetings, and the national feelings strongly appealed to. Let no man sneer at nationality—at the nationality implanted in the breasts of the Irish people. They have suffered for it and they still have the feeling of faith and fatherland, and the symbols of nationality are dear to them as they are dear to every nation in the world. The majesty of Harry the King—the greatest king England ever produced—did not disdain to wear the leek at Agincourt or on St. David's day in memory of our gallant cousins, the Welshmen, having in the previous century aided to win the great victory, wearing the leek at Poictiers. Who cannot sympathise with Burns—

"The rough burr thistle spreading wide,
Amang the bearded bere:
I turned the weedin clips aside,
And spared the symbol dear."

And no country in Europe has a nobler national emblem than Ireland—the shamrock which St. Patrick consecrated to faith and fatherland upon the Hill of Tara and the Rock of Cashel. This noble sentiment has been appealed to, and no one can blame any persons enlisting in the cause they advocate the strongest feelings which can unite a people to their faith and to their country. But, gentlemen of the jury, there is plainly in Ireland what I would call a small Ireland of discontent. I use no harsher words. There is great poverty in our country, happily from year to year and season to season diminishing in intensity. But I will also say there is a greater Ireland, to which the greater number of the Irish race belong, and which is not identified with the small Ireland of discontent. There is a greater Ireland which flourishes wherever the English language is spoken, or English law prevails. Our prosperity is indissolubly connected with the prosperity of England. Our industry is connected with the industry of England. We have had mentioned in this trial the poor harvestman, and his going to the East of England. Thousands of our countrymen every year go to Eastern England, and cut the rich harvests which now wave over the old fens and morasses once the haunts of outlaws. And our countrymen bring home hundreds of thousands of pounds every year, the wages of industry, to many a happy Irish home. Our honest Irish workers take their place as working men, the heart of the people, the marrow and the nerve of human power. There is the greater Ireland, not the small Ireland of discontent. In the great mining districts of England how many a happy Irish home there is. In those wild districts where once there was no light at night but the beacons from the crags calling to civil war, there is now the roar of mighty furnaces, which, giving lustre and brilliancy to the midnight of entire counties, guarantee food and happiness to thousands, and light the path of the toiler to many a happy Irish home. We used to speak of the hum of industry. Now on the banks of the Clyde and the Mersey, the roar of the hammer and the steam engine louder than the thunder of old battles, guarantees food and happiness to millions—food and happiness to many a happy Irish home. And are we to be rooted to the soil, confined here, surrounded by a political wall of brass, whilst the language of Edmund Burke, and Robert Burns, and Shakespeare, and Milton is spoken in every clime, in every place to which Irish and English genius, industry, and enterprise can force their way? There is the greater Ireland, the true Ireland. Our commerce traverses the great circles of the ocean. On the great oceans of the world the Union Flag of our country and the Starry Flag of Liberation—the flag of America—salute one another—on every sea. There is no nobler symbol of nationality than the American flag—

"When freedom from her dazzling height
Unfurled her standard to the air,
She tore the azure robe of night,
And set the stars of glory there."

Long may these two flags reign on every ocean the symbols of liberty and peace. May they never be arrayed against each other by sea or land, by flood or field, and cursed be the traitor who would seek to embroil in civil war our brethren in America and our brethren in England. Gentlemen of the jury, in scenes such as these is the true Ireland the greater Ireland. Turn to our colonies and de-

pendencies. Our colonies and our dependencies are vast continents. And from Canada to China Irish diplomacy and Irish eloquence rule—equally under the mighty Constellation of the North or the splendour of the Southern Cross. Irish diplomacy and eloquence rule in those splendid young nations, in which are thousands and millions of happy Irish men and happy Irish women—there is the greater Ireland, —Irish diplomacy and eloquence and just government guaranteeing peace and prosperity to thousands of happy Irish homes. There is the true, the greater Ireland. Are we to be rooted to the soil while the Queen's Irish regiments march to death with military glee in every clime in the world, and are we to be excluded from the greatness and glory of our empire, while Sir Garnet Wolseley and Sir Frederick Roberts—Irishmen, gallant Irishmen—are rivalling the glory of Lord Gough and the Duke of Wellington? And what Irish heart does not thrill with rapture at their genius and glory, except those included in the small Ireland of discontent? Gentlemen of the jury, I have alluded to the national emblems being used, trying to engage the national sentiment at these meetings, on the banners and in the processions. And the national melodies were employed also for the same purpose. But with the Queen's army, the national melodies of Ireland, instead of being isolated in Innishowen and Connemara, have become part of the history of the world, and have been the quicksteps of the decisive battles of the world. As the morning sun flashes from the bayonets of the Irish soldiers of the Queen at the forts, posts, and garrisons of our empire, it circles the world with one beam of morning light. As the morning drum beats at the forts, the posts, and the garrisons of our empire, the national music of England, of Scotland, and of Ireland, follows the sun and keeps company with the hours, and forms one continued strain of melody, recalling the stirring memories of a thousand years of victory and of liberty. From this career of glory and of independence are we to be kept back and rooted in the soil? Gentlemen of the jury, that shall never be. We form a portion of a great and free empire, a mighty state, the work of a thousand years, of watchful senates, of sages, and of heroes. In the building up of that vast empire Irishmen have held no undistinguished part, and are we to abandon our share in our inheritance? We are a united empire—"United we stand; divided we fall." Gentlemen, when this trial commenced, in every church, in every cathedral in Europe, save one, the voices, the holy voices of children were singing the Christmas anthem, "Glory to God in the highest, and peace on earth, good will to men." That anthem is as acceptable to the Almighty said by the humble shepherd or herd on the mountain, as sung by the voices of priests in the gilded cathedrals. May I be permitted to express a hope that all will join in the anthem—Glory to God in the highest; peace in Ireland, to all men good will (applause).

Mr. Justice FITZGERALD (addressing the Jury).—Mr. Foreman, I understand you to say that you did not wish to sit on Saturday again?

The *Foreman*.—Yes, my lord; we should be very glad.

Mr. Justice FITZGERALD.—If you think well of it we can go on with the trial to-morrow.

A *Juror*.—We would prefer to adjourn till Monday.

Mr. Justice FITZGERALD.—Very well, and I hope that we shall be able to finish the case out and out on Monday. I presume we had better adjourn till the ordinary hour on Monday, as the mornings are very severe.

The Court then adjourned till Eleven o'clock on Monday morning.

NINETEENTH DAY—MONDAY, JANUARY 24, 1881.

The Court sat at a quarter after eleven o'clock.

Mr. Justice FITZGERALD said—Gentlemen of the jury, we are now coming to the close of what I may term a great judicial drama. This trial is now coming to an end, and, notwithstanding what you may have read or heard as being said or written elsewhere, we may characterise it as a trial of vast importance, and one carrying with it great issues, and on your verdict great results, bearing upon the peace and welfare of the country. We have arrived now at that stage when it is my duty, with the assistance and guidance of my learned colleague, to direct you, to instruct you—to direct you in point of law—and from us, and from us only, can you take the law which must govern this case. It is also, gentlemen, my province—it is my duty—to sum up the evidence, and to give you what assistance I can in the investigation of that evidence, and lead you to a proper and just result. Gentlemen, I say unfeignedly that I regret this duty has been cast on me. It is one that I would willingly have avoided, and I speak in terms of perfect sincerity when I tell you—not by way of excuse—that I feel mentally and physically I am not equal to the task. Gentlemen, in my infirmity, however, you will have one advantage—you will have no oratory from me, no eloquence, you will have no poetry, and, above all, you will have nothing of that thing which is called the peroration. Gentlemen, I may say one word, without delaying you unnecessarily, upon the course of this trial, and with the full concurrence of my learned colleague, I acknowledge your inexhaustible patience. You have been taken away from your pursuits—from your business, for a period of now over three weeks. You come here to perform a most irksome and disagreeable duty, and you have no reward or compensation for it but the consciousness that you may do your duty. I have observed, in the course of the case, that there has not been from your box a single indication which would lead anyone—the most suspicious—to the idea that anyone in that box has come into it with the determination to find a verdict either of conviction or of acquittal; and, indeed, it would be a lamentable misfortune if upon a great trial of this kind any one of the jury should have entered that box with a determination, irrespective of the evidence, to find either a verdict of conviction or a verdict of acquittal. Gentlemen, I may also call your attention to the conduct of this case, and it meets with our entire approval; it has been ushered in with fairness and great ability by the public prosecutor, and it has been met on the other side by the counsel representing the defendants with equal fairness and equal ability. And gentlemen, I do not think I pass from my duty when I say that we both have looked with admiration upon the skill and energy with which the solicitor for the defendants has represented his clients. Gentlemen, there is one little episode in the case which I may advert to. I saw somewhere a letter of Mr. Parnell's—it is not in evidence and it does not bear upon any issue, but I think it was a letter addressed to an American friend, in which he complained or stated that the conduct of the Attorney-General has been marked with unfairness because he had secured for himself all the great ability of the Bar, and left none for the defence; and there was somewhere about the same

time an article to the same effect appearing in a leading journal. The result of both was that a double stream of gold flowed into the treasury from America and the Irish in America, and largely from this country. And, gentlemen, such is the power of gold that, baiting his hook dexterously, Mr. Dillon, the solicitor for the defendants, notwithstanding that the Attorney-General had absorbed all the ability of the Bar, has managed to secure for his clients the veteran experience and unceasing watchfulness of Mr. Macdonogh; he has secured also the simplicity and persuasive voice of Walker, and I may say also the vigorous and honest outcome of M'Laughlin, the fiery zeal and unpurchasable eloquence of one whom I will call the descendant of O'Brien Boroihme; he has had also the historic lore of Nolan, the portly presence and polished wit of Mr. Luke Dillon, and also the genius of Adams and of Sullivan; and I say unfeignedly of these two last gentlemen—that is Mr. Adams and Mr. Sullivan—I can only say in one sentence that they have amply proved in this trial their right henceforth to take their places amongst the first forensic advocates of the day. You will observe that from this category I have omitted the name of my friend, John Adye Curran, but it is to give him the greatest praise of all; for although we have listened to wonderful and eloquent speeches—certainly not too long—I give to Mr. Curran the praise of being the only one who has spoken really to the issues of the trial. And, indeed, with naive simplicity he told us that at a consultation—and I can fancy myself present—he was told by his leader that somebody most speak to the issues, and that that duty was placed upon him. Gentlemen, there is another little episode in the case which I shall pass by very shortly. The Attorney-General gave us a history or description of what I may call the *personel* of the defendants. He has told us that but one amongst them, namely, Mr. Parnell alone, was interested in the land of Ireland. But I think that was a mistake, because every citizen of this country is interested in the amelioration of its laws, if that is what is sought for. But, gentlemen, I cannot forbear whilst on this topic from referring to a passage in one of the speeches not read, and which I would not advert to save that it does not affect the issue. There is a gentleman represented I see in many of the speeches to be a great lawyer, and he lent his legal assistance in framing the constitution of the League, and his eloquence on all occasions when required, and this person, this gentlemen, attended one of the meetings in Maryborough, I think. It was a meeting reported certainly only by a policeman, and he says with great simplicity—"I travelled twelve hours to be present at this meeting. I left my bed in the middle of the night; I travelled all night in order to be present; I have been fourteen hours on the road, and you may ask me what brought me here?" He then proceeds to answer the question himself. The answer is lost, save that he says—"I have not enough land to sod a lark." The remainder of the answer is lost, gentlemen. Gentlemen, I am about to do a very ruthless act, or rather to call upon you to be ruthless, and I have to call upon you now to blot out at once from your notes entirely—and I saw some of you taking notes—the history and the events of eight hundred and fifty-six years, terminating in 1879. It is a very ruthless thing to do, for you destroy a great deal of historic lore, a great deal of the eloquence you have heard; but you eliminate from the case a vast mass of matter which has served but to cloud it, and which has no effect upon any of the issues you have to try. I commence, gentlemen, with the time when Brian Boroihme fought the battle of Clontarf, and I bring you in one jump down to

1879, and I ask you to eliminate the whole from your minds and notes. Gentlemen, it was very interesting to listen to, it called forth a great deal of the eloquence addressed to you, but it has no more to do with this case than any other course of events that might be addressed to you. It has been said somewhere, and said truly, that we live too much in the past. And one of the Celtic characteristics is that it cannot stand up and look fixedly and determinedly at the present, and with hope to the future—it is always moaning upon past misfortunes and past misdeeds; and accordingly we have found in this case the sword of Oliver Cromwell, the Penal Laws and other events with which (you will perceive presently, when I come to unfold the issues you have to try) you have really nothing whatever to do, as having no bearing upon the case we have now to try. It has been said, and said truly, that we have too much eloquence, and that our eloquence is so powerful and forcible that it really disables us from logically considering the facts of any case. I have read this eloquence described somewhere "as that which exercises over men a tyrannical power without doing actual violence." Well, we have had too much eloquence in this case—it is the national characteristic; and I ask you now to forget a great deal of it and to look at this case in the light of reason and logic. What I am about to do is—if I may use a military expression—to try as best I can to "clear the front" of this case of a great deal of rubbish which has accumulated to prevent you arriving at the true and just conclusion. Again, gentlemen, I may advert to Mr. A. M. Sullivan's eloquent indictment against former Governments antecedent to 1870. It gave a great topic for the eloquence of that great forensic orator; but in the course of it, I thought how much it was to be regretted that, in May last—I think it was in May that the present Government came into office, May or June—I have so long ceased to be a politician that these events escaped from my notice; but it occurs to me how much it was to be regretted that, when there was a change of Administration, there had not been, at least, a cessation of the action of the Tenant League until a fair trial had been given this Government that had just come into office. You may recollect now, as a matter of recent history, that immediately on the assembling of Parliament, in May or June last, there was a statement made on the part of the Government—indeed it was openly stated—that at a future period a large measure of land reform would be one of the things to which that Government would direct its attention. It was explained that it was impossible to legislate on the subject that session. The Government required information and required to shape their measures, but at the same time a pledge was given that at the earliest part of the present session a measure (large and liberal) of land reform—of reform of the law of landlord and tenant, would be submitted to Parliament. Gentlemen, at the same time, if you recollect—I recollect it well—a piece of advice was addressed to the landlords of the country that, pending this measure of reform, and having regard to the distress which undoubtedly did largely prevail both in this country and, indeed, all over Europe in 1879, and down to 1880, the landlords of the country would refrain from enforcing to the utmost their legal rights. And, gentlemen, possibly if the case had been allowed to remain there—if the action of the Land League had been stayed even then, we might have peace and quiet in the country. You might have had landlords abstaining, and certainly every good landlord would have abstained, from enforcing their rights. But it went on, and when Mr. Macdonogh has told us that up to the time of the passing of the Disturbance Bill the action of the Land

League was the action of a charitable institution—of a body dispensing peace and charity—I think he was not exhibiting his usual accuracy, for if I read aright the speeches delivered at the Land League meetings in May, the speeches delivered in June, in July, and August—and it was in July the Disturbance Bill passed the House of Commons; it was in August it was rejected by the House of Lords, but during all that period of four months the operations of the Land League—the National Land League—went on, and language of vituperation and calumny was heaped upon the heads of the landlords, and the most rigid instructions and advice were given at these public meetings to the tenants of the country not to pay their rents. Now, gentlemen, a great deal may be attributed to that unfortunate action; and when we are told that in the first half of 1880 there were no less than 1,000 (I forget the exact number) but it exceeded 1,000 evictions in the course of that six months, and I have no doubt the statement is true; and that they were by the needy landlords of the country who had nothing else to live upon but the surplus of their rents over charge and incumbrances. When there was an infraction of their rights must we not have expected that result, when this powerful body was advising the tenants of the country not to pay their rents. Gentlemen, there is a letter I would like to advert to. It is a letter which came from the Catholic Archbishop of Dublin. One passage only will I read, as it bears upon the topic which I am now submitting to your consideration. After enumerating the evils which the tenantry were labouring under, he says—"But surely this state of things must not continue unchecked, but whence shall the remedy come? The management of public affairs is now placed in the hands of men who seem to have the most abundant good will to redress the wrongs of the country, as far as a Government can accomplish such a work. Guarantees for the sincerity of their good wishes are furnished by their antecedents. Their determination to carry on the administration of affairs in Ireland by laws in harmony with constitutional liberty has been made manifest. They have repudiated the idea of coercion; but how has this generous and unusual moderation been met?" And then the Archbishop proceeds to say—"Our unhappy country has within a few months drank deeply of the blood of her own children. That blood must call for vengeance to Him who declared that even the beast of the field should account for man's blood spilt by it. That blood will cry out not only against the hands that made it flow, but against us all, if we fail in abhorrence of the crime which sent a brother's soul, without a moment's notice, without a moment's preparation, before the judgment seat of the terrible Judge." Gentlemen, I must say, having scanned this letter carefully, I do not find in it the least ground for saying that the Archbishop attributes to the Land League these terrible crimes. He wrote that letter at a time when several murders before us in evidence had taken place—the murder of Feerick, at Ballinrobe, the murder of Lord Mountmorres, at Clonbur, of Downey, at Bantry—I shall again advert to the murder of Downey—the murder of Boyd, at Kilkenny, and the murder of a young man, whose name I do not recollect, that took place near New Pallas, county Limerick. And, gentlemen, the Archbishop was writing that letter at a time when it was notorious to the public, as it was notorious to us, that there were some parts of Ireland, as there are parts of Ireland at the present moment—small parts, I am happy to say, few and exceptional—in which country gentlemen could scarcely live, without police protection. Gentlemen, in the course of this case an

issue was endeavoured to be raised which, it appears to me, is outside the case altogether. We were told in one of the speeches (I think the eloquent speech of Mr. O'Brien) that this trial strikes a blow at the sacred right of agitation, and that "we" (the Land League), he says, merely had recourse to agitation; and Mr. Adams said that the right of free public meeting is that which you are trying here, and you were asked, "Is Ireland to be deprived of the right of public meeting for a few wild words"? Again, he tells you that "Mr. Gladstone seeks by this prosecution to suppress the right of free discussion," and in other speeches you will find arguments laid before you by which it is sought to establish that upon this great trial the real questions were whether the Government would be permitted by this prosecution to suppress the liberty of public meeting, to suppress freedom of speech, and the right to agitate for the redress of grievances. Now, I think that is a proper topic upon which I should disabuse your minds. It seems to me and to my learned colleague that these several allegations are entirely unfounded, and that you ought to dismiss them from your consideration. Under our free Constitution—the free Constitution of the Empire—we inherit, as inalienable birthrights, freedom of speech, liberty of public meeting, the right of free public discussion, the right to combine for any lawful purpose, and to effect that purpose by lawful means. We are free to agitate for the redress of public grievances, and to seek in every constitutional and legitimate mode for the amendment or alteration of our laws and of our institutions. These rights, gentlemen, were secured to us at the Revolution. The people of Great Britain, through whom we inherit them, when in 1688 they dethroned the King who had virtually abdicated his title, and offered his sceptre to another, at the same moment insisted upon their rights I have mentioned. They presented the new monarch with an enumeration of their privileges, and they declared them to be law by the Bill of Rights. These rights, these privileges are not drawn in question here; and if they were it would be the duty of myself and my colleague to defend and uphold them; and I tell you it is a duty we would fearlessly and courageously perform. Gentlemen, in truth, we have under our constitution rights and privileges and an amount of freedom almost unknown elsewhere. We are free to speak, free to write, and free to act, and above all, and before all, we are free to believe according to conscience. These our liberties are upheld by a free Press, and protected by an honest and independent jury. The right of the defendants to combine for the purpose of procuring, by fair and constitutional means, the largest alteration of the laws which at present regulate the rights of landlord and tenant, even to the extent of seeking to substitute a peasant proprietary for the present owners, is not at all the question, nor would we permit it to be doubted. It is equally conceded that it is open to the defendants to combine for the purpose of eliciting the strongest expression of public opinion in favour of the cause which they profess to advocate, and let me say, gentlemen, of public opinion, that it is the strongest of constitutional and moral weapons. If it approaches to unanimity, no Government can stand against it; it must give way. I may say of it too, that independent of its constitutional action it presents everywhere the most formidable barrier to the continuance of injustice and oppression. The defendants were at liberty to elicit, I repeat, the strongest public opinion and to have the great privileges I have enumerated under the Government and Constitution of the United Kingdom—this Government which the defendant, Boyton, thus describes in his speech at Dunmanway, when he calls upon the people "to rescue

themselves from the infamous touch of the vilest Government that ever cursed the earth." You will not fail to observe that all I have put forward just now is tacitly conveyed in the opening statement of the Attorney-General. He even went so far as to express in feeling and eloquent language his authoritative anticipation of a large and liberal measure for the benefit of the tenant farmers of Ireland. Gentlemen, his language has not been got up for the occasion. The opinions he expressed here he has frequently expressed elsewhere, and I have no doubt with equal and entire sincerity. Gentlemen, I hope I am not exceeding my duty. I hope I am not exceeding the proper privileges of my position in expressing my own sympathy (and I think I may also speak for my colleague) in favour of any real practical measure, no matter how extensive, which shall not be founded on injustice, or operate by way of confiscation. At a meeting held in Kilkenny, on the 2nd October last, a letter was read from the Catholic Bishop of Ossory, and that letter was given in evidence for the defendants. You cannot but be impressed with the final advice he gives. His lordship says—"The present time is one of grave crisis for our tenant-farmers, and it is most just that in a peaceable and constitutional way they should show their determination to defend their interests, to assert their rights, and to redress their grievances." His lordship adds—"And whilst we leave nothing undone to urge our claim for justice upon the attention of the Legislature, it must never be lost sight of that the surest means for redressing our grievances, and for asserting our rights, is to avoid everything like injustice, and to continue, as the people of this country have most scrupulously done in the past, to respect the rights of others." Gentlemen, in that advice we most cordially concur; and I may observe that the bishop in his advice has not forgotten that there is a seventh commandment. There is another matter which I am obliged to advert to. Strong language has been used, in which it has been said that the present movement in all its parts had the sympathy of America, and you will recollect when it was said on one side at least that one of the defendants preached Socialistic doctrine—a doctrine that if carried out to its full extent could only mean the establishment of a Socialistic Republic—it was said that if such a doctrine was preached, it was but preaching that which was accepted and received in the United States of America. In a speech of Mr. Davitt's, which is in evidence, he told you that everything connected with this League had the entire sympathy of America—the entire sympathy, he repeats, of the whole American people, save—I forget exactly the language, but he characterises a great American paper—one, possibly, of the greatest in the world—the *New York Herald*, as "a vile and contemptible rag," it being the only representative of the great American Republic which did not sympathise entirely with him, Mr. Davitt. Gentlemen, I must say for myself—and again I hope I am not exceeding my province when I point out to you—and you would understand my meaning if any of you had been in America—that these statements in reference to the citizens of the United States are unjust, unfounded, and calumnious. When I speak of the American people I mean the native-born citizens of America. They are not responsible for the mere feelings of those who are but fresh emigrants amongst them. But of the born citizens of the United States, I say that they are a great and noble people—that they are proud of their free institutions, which they have derived either from our common law or established by their own independent exertions—and, above all, they

are proud of their British descent. They are not Socialists; on the contrary, they respect the rights of property, and they enforce them; and I have read with pleasure, in their primary school-book of instruction to the young, that they are bound in every relation of life to observe their contracts. They do not, gentlemen, sympathise in any way with crime; their sympathies are everywhere extended to every place and clime in favour of the oppressed, but in the United States there is no sympathy with crime. On the contrary, gentlemen, they are a peaceable, law-abiding people, blessed with the greatest virtues, and, above all, and before all, with unbounded hospitality. I have been induced to make these observations by a statement which I found in a letter addressed to a public journal of importance, not in this country, but in England. This passage I will read. The writer styled himself "A Liberal," and, speaking of this land movement, he says, and says most unjustly—"Recent events, and the confusion of the land movement with American ruffianism and native sedition, have involved good and bad landlords together in a common condemnation, by which English Liberals ought not to be taken in." I say, gentlemen, that statement is utterly and entirely, in all its parts, unfounded, and I can only conceive that the writer of that—whoever he is I do not know or seek to know—when he speaks of "American ruffianism," must have pointed at the bad conduct of returned emigrants, some of whom—and some only of them—having failed in this country because they were not industrious or honest, and having failed equally in America, had been cast back upon our shores with their original vices strengthened by contact with the scum of emigration which is always to be found loitering in the precincts of New York. Gentlemen, again I have to ask you to exclude from your consideration a great deal which has been said, and which I may classify generally as the details of landlord cruelty and oppression. I do not for a moment seek to disguise from myself that in the year 1879 there was great distress in this country consequent upon the failure of the harvest; but I think, as has been truly observed, it was intensified, though not merely to be accounted for, by the distress then existing in England and almost all over the European continent. In fact it was America that had then, and then only, emerged from the cloud of distress and entered upon the path of prosperity, which I hope may long continue for her. Gentlemen, the distress in this country—I mean the failure of crops in this country—was not at all equal to the failure in England; but no doubt there was in this country great distress; and I have no doubt that there was in this country too amongst the needy and distressed landlords a great deal of what you might characterise as landlord oppression. But it really is a matter that we have nothing whatever to do with here. I would ask you, however, not to assume the statements made on that subject to be true, unless as far as there is evidence to sustain them, because I myself would come to the conclusion that a great many of these statements are unfounded in fact. And though it is true we excluded from your consideration events that occurred in the years 1845, 1846, 1847, 1848, and 1849, because if we had entered upon them there would have been no end to this trial, and we ought not have investigated them, the reason why I tell you not to believe all those statements that have been made in the speeches of the traversers is this, that you recollect in the course of the case, while we excluded the evidence of the detail of remote events, we invited the defendants, and pointed out to them that if in any of the speeches that were read against them on the part of the Attorney-General there was a statement of any cruelty or oppression they were at liberty to enter into the proof of the truth of that statement.

Such statements are numerous and abundant in every speech of these traversers. Every sort of vituperation has been used towards the landlords of the country, but no proof has been offered of the truth of those statements. I do not mean for a moment to suggest that you should come to the conclusion that they are untrue. You may come to the conclusion that they are greatly exaggerated; but it is really a topic with which we have very little concern. Here again, gentlemen, I may say that as to any cruelty or oppression that was exercised in the years 1879 and 1880 we have but one fact in evidence before us, and that is the fact that in the first half of 1880 there were one thousand and odd evictions. These were, as I understand, evictions for non-payment of rent—that is, the landlord did not seek to get rid of his tenant, but sought to enforce the payment of his rent; and I need not tell you that an eviction for non-payment of rent is really a proceeding to enforce somewhat more than a year's rent. It is an eviction if the rent is not paid, but which can be at any time stayed by the payment of the rent; and when the eviction is completed the tenant has a clear period of six months from the moment at which he is turned out of possession within which to pay the rent and walk in again. Well, I have no doubt it is perfectly correct that in the first six months of 1880 there was this number of over 1,000 evictions for non-payment of rent—that is, out of some 500,000 or 600,000 tenant farmers in the country there had been some 1,000 instances of eviction for non-payment of rent. These, or some of them, may have been cruel and very oppressive; in some of them I have no doubt that the landlords did not listen to the benevolent advice of Mr. Forster, but a great many of them might have been accounted for by need and distress on the part of the landlord himself, or by the advice given sedulously to the tenants not to pay the rents which they contracted to pay. Again, gentlemen, a great deal has been addressed to you as to the injustice of the laws which regulate the relations of landlords and tenants in this country. Upon that topic I do not intend to enter. There may be upon it a great many differences of opinion, but I may remind you that neither you nor I, nor my learned colleague, who are the judges upon this occasion, are here to reform the land laws. We are not here to consider amendments of those laws, or what reforms should be suggested in them. We are not here to consider or determine whether the suggestions that came from the traversers have been wild or chimerical, and so impossible to carry out that you could hardly consider that they were really advanced with that view. These are not matters for your consideration, and I must warn you against entering upon them. I may illustrate the danger of listening to the unproved statements that have been made, especially as to the land laws. You have been repeatedly referred to the condition of Belgium and the land laws of that country, and the statement has been made that all they want is to equalize the land laws of this country to the laws of prosperous Belgium. I understood, I dare say it was what was intended to be conveyed to your minds, that in Belgium every occupier is the owner of the farm he cultivated. Belgium, no doubt, is a prosperous land. It is a land of industry and hard work, and its people have set an example to all Europe in the cultivation of land. Not an inch of it is wasted; and from that country have sprung almost all the great improvements in agriculture, and all the improvements of agricultural implements. But you will be surprised to learn from me that so far from every occupier in Belgium being the owner of his farm, that only about one-third of them are owners,

and the remaining two-thirds hold by contract—by lease; and these leases are for short terms—from three to six years; and the course of the country is, and it has checked its prosperity—that on the expiration of each lease the farm is put up to auction, and the highest rent that competition can procure is accepted for it. Now, gentlemen, I do not state that unadvisedly, and I merely mention it to warn you against being misled by unproved statements in this case, and above all by statements which do not really bear upon the important issues which before this trial is over, you must determine. I read now, gentlemen, from a writer of considerable authority in Belgium. The writer says—"The farms which are let on lease by the manufacters and others are as a rule let on very short leases, for three, six, or nine years at most, and more generally for three or six years than for nine, and on these farms all the evils are to be found which result everywhere from short leases, insufficient security for outlay, and the little interest felt by the tenant in his improvements, as compared with the deep interest taken by the real owner in improving and expending money upon his own land. About one-third of the occupiers of land in Belgium are owners and the other two-thirds are tenants on very short leases." Gentlemen, that statement is accurate. That statement shows you how guarded you must be in accepting the allegations that have been put forward here. But, at the same time, gentlemen, the very learned and very able citizen of this country, who was sent to investigate the state of things in Belgium amongst others, points out that where the tenant farmer is the owner of his holding prosperity prevails, and where he is not the owner he is paying an exorbitant rent, and, for a short term, is struggling to maintain himself and often in that struggle fails. Gentlemen, in reference to our land laws, too, I myself may say a word. It has been repeatedly urged in this case that the laws which regulate the relation of landlord and tenant in Ireland are the potential causes which impede the progress of the country and drive prosperity from our land. They have been described as "the greatest curse that ever blighted a people." It is not for us here to consider or discuss legal reforms. We are not here to reform the law, but to execute it. I do not intend to enter upon any discussion of these laws; but I do warn you not to assume that the law as it exists is either bad or unjust. No doubt it is open to and requires amendment, and above all an amendment in the direction which has fostered the great prosperity of Belgium—that is by having land free—free as any other commodity, and by free land to enable the occupier, if he can, to become its owner. Gentlemen, the law of landlord and tenant in Ireland is far more favourable to the tenant than that of England and Scotland—far more favourable. In England and Scotland they have no equivalent for, or anything approaching to our Act of 1870. That Act I characterized on a former occasion, in a civil case, having no regard to, or never anticipating a trial of this kind, as an Act—as the greatest Act of reform of modern times, and one which had transferred to the occupiers of this country, by its operation, a benefit equivalent to one-third of the fee simple of the whole. Gentlemen, they have in England no equivalent for that Act of 1870. Our law is better for the tenant than that of Belgium, or even of the United States of America. Gentlemen, in Belgium the law is summary and short which turns out the tenant who does not pay his rent. It is rapid, summary, and short. And in the United States of America, the relation of landlord and tenant by contract does exist, but principally in the Eastern States, but the circumstances of that

country are very different, and the quantity of land which the Government has to dispose, and which it invites purchasers to acquire at a very cheap rate, renders a holding at a rent a rare exception; but the law is that tenants hold by contract, and where they do the law is not so fair to the tenant as it is in our country. Again, the true objection to the system in Ireland is not that it is intrinsically bad or unjust, but that it is unsuited to the circumstances of the country. If the existing state of facts is in conflict with the continuance of that law—if the facts show that the relations of landlord and tenant are injurious and check the prosperity of the country, then that state of law is not a good one—its unsuitability is shown, and it ought to be altered, amended, or essentially reformed. Again, it has been very much pressed upon you that the welfare of the country essentially requires the abolition of what has been called landlordism, and the substitution for it *in globo* of a peasant proprietorship. That is, as I understand it, that every occupier of land now holding it by contract should become the owner of it. You will observe that the whole relation of landlord and tenant in this country depends upon agreement—that is, a contract between landlord and tenant exists where the landlord has given his land to the occupier upon the latter agreeing to pay a certain rent for it. That is what is called tenancy in this country, the occupier, according to agreement, paying the landlord rent for his land. And the proposition, as I understand it, is that the good of the country requires that all those tenants should be converted into fee-simple owners, and landlordism be at once extinguished. Gentlemen, it is not for us here to discuss whether it was practicable or merely chimerical. We have not the means to form any judgment upon that. But we are startled at some of the changes which it is proposed to carry out. I may instance it in this way—You have heard a good deal said about the Encumbered Estates Court, and the purchasers under that Act are equally with the ordinary purchasers to be deprived of their property, and this to be transferred at once to the tenant occupiers, even though the tenant occupier may have been insolvent, or only put in within the last two or three years—the fact that he is a tenant occupier is sufficient to entitle him at once to be created an owner in fee-simple. Whether this is practicable—whether it is wise—or whether it is vain or chimerical—it is not for us to judge; or whether the projectors of such a doctrine ever intended really to carry it out. But there is one thing I have to inform you of—one hard fact in the case—that one-fifth of the property of the country is represented by purchasers under the Encumbered Estates Court, and those are purchasers not coming from England or Scotland — at least they only came from those countries in infinitessimal numbers. The purchasers were from our own country—merchants, traders, gentlemen. Those who having accumulated money by their industry and invested it, wished to become proprietors of land; and they are to be dispossessed. I have to tell you that the sum expended in those purchases under the Landed Estates Court represents over fifty-two millions of money. Well, gentlemen, it would be idle for me to enter upon the discussion of this question with you; and, furthermore, it would be entirely foreign to the issues which we have to determine. Again, gentlemen, we have had a great deal addressed to us about the forfeiture of former times, and that all that is asked in this land reform is to restore to the descendants of those dispossessed 300 years ago what would have been the property of their ancestors. Well, gentlemen, as well might we decide upon restoring the tribal system, under which each peasant occupier had an uncertain

spot of land, and at the will of the chief of the tribe was transferred from time to time—a system which rendered property or cultivation absolutely impossible. But we are not to shut our eyes to this, that the confiscations of two and a half or three centuries ago were not generally speaking confiscations of the occupiers at all. They were the confiscation of the estates of those who then represented the landlords of the country, and we cannot divest our minds or shut our eyes to this—that a great many of the present occupiers had nothing to do whatever with former proprietors, they have recently come into occupation of the land under contract. Without further dealing with these topics, which I again say are entirely foreign to you, I ask you not to involve yourselves in them —not to be led away by them from the real issue before you, and to discharge them from your minds. Although, gentlemen, I have not come to the conclusion that land should be as free as the air, as one of the defendants expressed it, I think that every facility and opportunity should be given to the tenants of the country, or those who may become occupiers after them, to become the owners of the land which they occupy, but that the opportunity and facility should not work in the direction of confiscation or injustice. And how could you face the purchasers in the Landed Estates Court, who, under the faith of a Parliamentary title, have invested over fifty millions of money, I recollect in one of the speeches it was pointed out, I forget in which of the speeches—I think Mr. Parnell's, but it does not matter—that a property sold some years ago in the Landed Estates Court at twenty-three and a half years' purchase, a few years subsequently at twenty-five, and a few years after at twenty, had fallen to fifteen years' purchase, and could find hardly a purchaser at all. That was commented upon with exultation as the opportunity which the state of circumstances permitted parties to step in and purchase a property at the selling price of the day. In place of fifty millions the owners would have only twenty or twenty-five millions, and would have to transfer their property to the tenant occupiers at that rate. Gentlemen, I dismiss that from my own consideration and from yours; and having, gentlemen, endeavoured to some extent, though only partially, to clear the front of some of those cobwebs and those matters which tend to divert you, gentlemen, from the real issues in the case, I now ask you with me to approach the real issues which in this case you have to try, and they are real, they are important, they are issues requiring your grave and earnest attention, and as yet, I believe you have not on any side been clearly informed what those issues are. Now, gentlemen, in approaching the real question which you have to try I have first to call your attention to the information in the case, with its now eighteen counts. That information, dropping technical language, and putting it popularly before you, makes the following charges against the defendants. I believe there are fourteen of them in all. Gentlemen, it is alleged that the defendants combined to incite farmers not to pay their rents, or not to pay more than Griffith's valuation. That is the first. The second is to incite tenants when dispossessed for non-payment of rent to re-enter and re-take possession; thirdly, to prevent persons taking or occupying farms from which another had been dispossessed for non-payment of rent; fourthly, to prevent all persons buying goods or property taken in execution for non-payment of rent; fifthly, as a means of achieving these objects, to incite the people to do what, for shortness, I shall call to "boycott" those who should either pay their rents, or buy at execution sales, or take a farm from which a tenant had been evicted for non-payment of rent, or

not to give it up at the command to leave. To put them together in still more popular language, the design imputed to the defendants by the information is to crush landlordism, to crush and starve out landlords and substitute for them peasant proprietors; and for the purpose of accomplishing their object to incite tenants to withold their rents, prevent re-letting of farms from which tenants have been evicted for non-payment of rent, and also to prevent any levy of rent under writs of execution.

You see, gentlemen, that though the information contains those eighteen counts—and upon each of these you will have to give your verdict, yet it is reauceable by a little attention popularly to very short terms, and I rather anticipate that you will have, in your determination of the case upon the real evidence, no very great difficulty. You will observe, gentlemen, that the first is to incite the tenants who had taken farms by contracts not to pay the rents which they contracted to pay, or not to pay more than Griffith's valuation. Now, as to that, we may dismiss the question of Griffith's valuation. It has been said by some to have been one-third below the real letting value, and whether that is well-founded, I cannot tell you. In many parts of the country it is said to be over the valuation, and, in other parts, to come very near the letting value. But, gentlemen, any consideration as to the elements of Griffith's valuation, I would ask you to dismiss from consideration. By the law of the land what the landlord is entitled to receive is the rent which his tenant has agreed to pay — nothing more and nothing less, and though these rents have been characterised as rack-rents, a rack-rent simply means the full rent which could be obtained from any solvent tenant who was willing to undertake to pay. I have now to tell you, with the entire concurrence of my learned colleague, that to incite tenant-farmers not to pay their rent is an offence against our common law—the subject of an indictment for conspiracy, and is a breach of our common law. The second charge, as I have told you, is one—that of a conspiracy to incite tenants when dispossessed for non-payment of rent to retake possession—in itself a crime; for the forcible re-taking of possession of that which the law awarded by its judgment to the landlord is by the common law and the statute law a crime. It is one of the things provided for by what is called the Whiteboy code, passed by the Parliament of Ireland, and re-enacted by the Parliament of Great Britain in a modified and much more temperate form, and relieving it from capital punishments, with which the code was formerly disfigured. To incite persons, to prevent others from taking or occupying farms from which others have been evicted for nonpayment of rent is an offence at common law. Again, to prevent persons buying goods taken in execution is an offence at common law, and I cannot help denouncing it as a crime if the means to carry out these incitements were the means which may be shortly described by me as Boycotting. Now, gentlemen, having dealt thus shortly with the information, let me unfold to you what the law of conspiracy is and how it bears on the case. I will at another stage have to advert to the class of cases of seditious libel where the law gives the decision of fact and law to the jury. But that is not the case here. The law you must receive from us, the facts you are to determine, and it is because we are to lay down the law I now proceed to unfold what that law is, and I give it not in my own language but that of the highest authority, the authority not alone of our superior courts but of the Supreme Court of Appeal—the House of Lords of the United Kingdom. Gentlemen, you have heard

adverted to in the course of this case the great O'Connell trial which commenced in '44, and which was going on at the very time in '44 that we are now sitting in '81. Great were the issues involved in that case, but not greater than the present. Important as that case was it was not so important as the present nor so difficult, and I have to tell you further that though the evidence was voluminous in that case it did not reach one-tenth of the evidence you are to determine on. In that great case various questions were agitated at the trial. You are aware it was afterwards canvassed in the full court of Queen's Bench, and subsequently carried by appeal to the House of Lords. The decision was then reversed, but though great topics were involved in the inquiry, the reversal of that decision rested on technical grounds, that is that a general judgment having been pronounced upon the several counts of the information one of them was bad in point of law. It may be, gentlemen, that the counts or some of the counts in this information are bad in point of law, and if so it will be open to the defendants to appeal to the House of Lords. But that we have not to consider here, and I now proceed to deduce the law as laid down in the O'Connell case. In that very case this law was very much discussed. The judges of England were called in, and they were presided over by as great, as fair, and as candid a judge as ever presided in any court of justice—the then Chief Justice of the Common Pleas, Chief Justice Tyndall. He was a great man, and remarkable for that fairness and that impartiality, in fact, for that character of mind which could not be but impartial. He loved the law, and administered it with great fairness. Gentlemen, in delivering the opinion of the judges of England to the House of Lords, Chief Justice Tyndall told them—"The crime of conspiracy is complete if two or more than two should agree to do an illegal thing." I have pointed out to you, gentlemen, that at least in one of its objects this confederacy, if proved, was not alone illegal, but a crime. Again, gentlemen, he says—"If two or more should agree to effect by improper means something which may be in itself indifferent or unlawful." Now, such is the plain language in which Chief Justice Tyndall lays down the law. Plain and clear, that it cannot be mistaken; and in every word it is applicable to the case now before the Court. Again, gentlemen, in another case before the House of Lords—one of those formerly known as the Fenian cases, in which a person named Mulcahy had been convicted of the crime of treason felony—the same question was discussed. He was tried at the Commission Court here, and the conviction had there was brought into the Court of Queen's Bench or Criminal Appeal—I forget which—where the decision was affirmed. A writ of error was allowed by the Attorney-General of the day to the House of Lords, and that case was fully discussed in the House of Lords. It became essential to discuss there what the law of conspiracy was, and the judges were again called in. Their opinion was delivered by one now no more, but of whom we are all proud—a native of this country, and one who under our free and happy laws attained the highest eminence in England—the late Mr. Justice Wills, a great lawyer. And, gentlemen, in laying down the law—in stating the opinion of the judges—he again says—"A conspiracy consists in the agreement of two or more to do an unlawful act, or to do a lawful act by unlawful means." Then, gentlemen, what I am now about to read is my own commentary on that. By the terms illegal and unlawful it is not intended to confine the definition to an act that would be in itself a crime or an offence; but that law extends to and embraces many cases in which the purposes of a conspiracy, if done by one only, would not be a criminal act—as,

for instance, if several combined to violate a private right, the violation of which would be wrongful if done by one, though not in itself criminal. If, for instance, a tenant withholds his rent, that is a violation of the right of his landlord to receive it, but it would not be a criminal act in the tenant, though it would be the violation of a right; but if two or more incite him to do that act their agreement so to incite him is by the law of the land an offence. Conspiracy has been aptly described as divisible under three heads—where the end to be attained is in itself a crime; where the object is lawful, but the means to be resorted to are unlawful, and where the object is to do an injury to a third party or to a class, though the wrong is effected by a single individual, it would be a wrong, but not a crime. I think under these three heads every class of conspiracy ranks. And, gentlemen, I have to declare to you that it is a criminal act to agree—where two or more agree to have a crime committed; where two or more agree to effectuate their object by unlawful means, or where two or more agree to do an injury to a third party or to a class, though that injury if done by any one alone of his own motion would not be in him a crime or an offence. It would be simply an injury carrying with it a right to civil remedy. Gentlemen, of number one—that is the first definition, where the end to be attained is criminal, it speaks for itself. One at least of the charges against the defendants is that they conspired to advise that to be done, which in itself was a crime—namely, forcibly to retake possession of the land which the law had awarded to the landlord. Of number two, the illustration commonly given—I give the illustration to enable you to understand it—is we will say A. B. has a right to real property, and two or three agree to support him in that right—so far their action is proper—to support him in the right which he really had. They agree to give him that support by unlawful means, that is by the procuring of some fabricated evidence—the agreement to do that by unlawful means makes No. 2 an offence. As to No. 3, it is not inaptly illustrated by the King *v.* Druitt, a case cited in the course of the discussion by the learned Attorney-General. In that case Baron Bramwell, as he then was, but now Lord Chief Justice Bramwell, says—"If two or more persons agree by threats, intimidation" (and every word of this is applicable to the case before us) "by threats, intimidation, or molestation, to deter or influence a third party as to the way he should apply his capital, his industry" (and I will add his land) "they would be guilty of an indictable offence," and he adds emphatically, "that is the common law of the land." And I tell you it is the common law of the land—if two or three agree amongst themselves to inflict or to procure an injury to be inflicted upon a third party. Gentlemen, in the case I have last adverted to the agreement to effect an injury or wrong to another by two or more persons is constituted an offence, because the wrong to be effected assumes a formidable character. When done by one alone it is but a civil injury, but it assumes a formidable or aggravated character when it is to be effected by the powers of the combination. And, gentlemen, it is justly so, because, though you may assert your rights against one individual, but how can you defend your rights against a number of persons congregated together agreeing to inflict wrong on you, and carrying out the same by means which are in themselves unlawful. Again, gentlemen, there is a definition very simple in itself which is given in a book of practice, and which is applicable to the present case—Archbald's Criminal Law. He says—"Conspiracy is an agreement of two or more wrongfully to injure a third

person or to injure any body of persons." You see the simplicity of that—that a conspiracy is an agreement by two or more wrongfully to injure a third party or any body of persons. And again Mr. Roscoe, in his book on Criminal Law, sums up the result thus "All the authorities in effect come to this, that a conspiracy is an agreement between two or more persons to do that which is unlawful. And it is unlawful to agree to accomplish an injury to a third person or body of persons." Some observations have been addressed to you in the course of this case, and have been often repeated, to the effect that there has been no proof given that the defendants ever met or entered into or became parties to any agreement or confederacy or conspiracy; and that two of the defendants were not even members of the Land League. Mr. Macdonogh, in his able address, enforced this particularly. He repeated it several times to you, and enforced it not more than it was well founded. I mean than if his allegation were well founded, it deserved. But I have now to inform you, as part of the law of conspiracy, there is no necessity that there should be express proof of a conspiracy such as that the parties met and laid their heads together and then and there actually and personally agreed to carry out a common purpose. Nor is such proof usually attempted. But, gentlemen, I shall again have to advert to this topic and apply it to the evidence, and to the issues. Again, adverting to Mulcahy's case in the House of Lords the same great judge I have quoted says—Mr. Justice Wills—"So far as proof goes conspiracy, as Groves (Justice) says in the Queen *v.* Druitt, it is generally a matter of inference from certain criminal acts of the parties generally in pursuance of an apparently criminal purpose common between them." Gentlemen, it may be that the alleged conspirators have never seen each other and have never corresponded—one may never have heard the name of the other and yet by the law they may be parties to the same common criminal agreement. Thus, gentlemen, in some of the Fenian cases tried in this country, and which were defended with ability unrivalled by the late Mr. Butt and his colleagues, every point and every legal difficulty that could be raised was fairly raised in the way of the prosecution in defence of the prisoners whose liberties were at stake. In these cases it frequently happened, or has sometimes happened, that one of the conspirators was in America, the other in this country, that they had never seen each other, but that there were acts on both sides which led the jury to the inference, and they drew it, that they were engaged in accomplishing the same common object, and when they had arrived at this conclusion the acts of one became evidence against the other. And in the remarkable case at Cork—as singular and remarkable a case as ever I met with—it was a case in which two persons, I won't mention any names, but they had been connected with the American service in the late war. One was a captain of cavalry on the Southern side, and the other was a captain on the Northern side. The one was a native of this country, the other a native born of America. They had been opposed to each other during the war, they had never seen each other, and amongst the documents found upon them when arrested was a letter in which one complained of violence and murder committed by the commander on the other side. These two men had never seen each other. They were arrested when they arrived at Queenstown. The one had come to take command of a brigade of Fenian cavalry, and had brought with him, as his whole equipment, a saddle, a pair of spurs, and two long pistols. The other was returning to Ireland, but he was alleged to be a party to the Fenian conspiracy. They were put upon trial in the same dock,

upon the same indictment, and the first time they saw each other was when they stood face to face in the dock. I mention this case as illustrating that the charge of conspiracy may be well founded even though the parties never saw each other.——

Mr. *Macdonogh.*—I rather think, my lord, the indictment in that case was not conspiracy.

Mr. Justice FITZGERALD.—It was conspiracy.

Mr. *Macdonogh.*—If your lordship says so, very well.

Mr. Justice FITZGERALD.—It was to work out by conspiracy treason felony.

Mr. *Macdonogh.*—Yes, my lord, treason-felony.

Mr. Justice FITZGERALD.—It was a treason-felony conspiracy. You will find in all the cases the overt acts were the overt acts of the conspirators. The agreement to effect a common object is usually an inference to be deduced by the jury, as men of common sense, from the acts of the alleged conspirators in furtherance of their purpose; and that will be your great duty upon the present case, to investigate the evidence before you. Again, it has been suggested that secrecy was, to some extent, an essential of conspiracy; and your attention, gentlemen, has been repeatedly called, and especially by Mr. Macdonogh here, who left no argument unpresented to you—he especially and persistently called your attention to this, that the proceedings of the defendants were above board, that they were unconcealed, that they were not carried on in the dark, and that there could be no guilty conspiracy because it was done over and above board. But, gentlemen, I have to inform you, in point of law as well as in point of justice, that though secrecy is frequently a characteristic of conspiracy, it forms no essential element of the crime at all—none whatever. The crime of conspiracy may be complete, though all the proceedings of the confederates have been open and above board and unconcealed. I myself, in the course of the case, called attention of counsel and you to the fact that in this case the proceedings of the alleged conspirators, at least so far as they were known to us, were open, uncloaked, and unconcealed. We have before us and from their own hands, their printed rules and regulations, their resolutions, and none of these have been controverted. They call themselves the Irish National Land League, and have their name on a brass plate on the door. Their meetings were open to the press, and they used means to give them every publicity. But, notwithstanding all that, gentlemen, I am obliged to tell you that they may be guilty of the crime of conspiracy, though their proceedings were thus open and unconcealed. This point was made and repeatedly urged in the O'Connell case; in fact everything that could be done was done by the great lawyers engaged in that case, and by none more efficiently than the gentleman who now sits in front of me (Mr. Macdonogh), and he did not leave untouched this doctrine of secrecy and darkness. It was considered by the judges, and the learned Chief Justice, who then delivered his charge, to the jury, with the concurrence of his learned colleague, overruled that point, so that although the proceedings of O'Connell were open and unconcealed, and there was no darkness connected with it, yet the judges held that secrecy was no element in the crime of conspiracy, though there might have been no secrecy whatever. As I before pointed out, that case came to the House of Lords; everything was done that legal ability could effect, but the point of secrecy which was then, as now, opened, was never adverted to, but if it had been adverted to counsel would have been told by the learned judges that secrecy formed no element in it. So I ask you to discharge from you minds altogether

the argument that the proceedings of the defendants were open and unconcealed—in point of law secrecy or darkness forms no element in the crime of conspiracy. Again it has been said that conspiracy is a dark weapon of tyranny which you should never listen to, but extinguish by a verdict of acquittal, and this has been put before you in every form and shape that eloquence could invent. You have been thundered at not to give effect to this dark and rusty weapon of tyranny—a weapon by which a tyrannical Government, such as is at present in power, seeks to destroy the freedom of meeting, freedom of discussion, and freedom of agitation for the redress of political grievances. Well, gentlemen, I have to tell you that this law of conspiracy is not an invention of modern times. It is part of our common law, it has existed from time immemorial. It is necessary to redress classes of injuries which at times would be intolerable, and but for it, would go unpunished. It is an emanation of the great wisdom of the common law. If the defendants have broken the law in the manner alleged in the information there is no law of this land by which they could be reached but by the law of conspiracy. Gentlemen, it has been said that this law has been in England entirely disused. But that is untrue: it is a law repeatedly put in force. It is seldom resorted to in political trials, but in a political trial such as the present, if the defendants have broken the law of conspiracy, their offence, if they have committed one, can only be reached by the common law as an indictment for conspiracy. Again, gentlemen, a great deal has been said in the way of illustration as to conspiracy to effect objects which would not be criminal in themselves, and you were above all referred to the action of Trades' Unions. But the action of Trades' Unions, which is now regulated by statute, is totally and essentially different from the charge which is here made against the defendants. Workmen may agree in common not to work for an employer unless they are paid certain prices. That is the liberty given to them in free England, and it is necessary to have free action. The same in the case of the employer of labour. He won't take men into his employment unless at certain rates, and by the Statute Book of England and Ireland they are free to do that. But see how different the circumstances are. A man or a body of men say "we won't give our labour unless paid for it at certain rates, or a body of employers say we cannot give you employment unless you work for us at a certain rate." But see how different are the circumstances. A man or a body of men may say "We won't give our labour unless we are paid in a certain way;" or a body of employers, "We cannot give employment profitable to ourselves unless you work at a certain rate." How different to the case before us; for the combination alleged here is an agreement to incite farmers who have agreed to pay their rents not to pay them, who have got their farms and who have kept them, and not alone not to pay the rents which they contracted to pay, but to keep the farms by force and against the law of the country. There is, gentlemen, no analogy whatever between the two cases. One does not bear at all upon the other. And I ask you to dismiss that illustration from your mind. Now, gentlemen, I have done with this important law of conspiracy. I have endeavoured to explain it to you as it bears upon the present issues which you are to try; and I will now proceed to investigate what those issues are, and to apply the law to them. Gentlemen, before proceeding to deal with these matters, it is necessarily essential to the case—and a great deal depends upon it—that we should understand the constitution, and the

action of what I will shortly call the Land League. You will see yourselves how much hangs upon it, how directly it applies to the evidence, how necessary it is to consider it fully and at large. Gentlemen, as I understand, the case I present it to you now is the result of the argument of the Attorney-General, and the argument on the part of the prosecution as well as the evidence. The parent local League appears to have had its origin, I think in the month of May, 1879—I believe it was the 3rd May; I am speaking now from recollection—at a place called Irishtown, in the county of Mayo. Mr. Davitt was its founder. A very important name to carry with you in this case is that of Mr. Davitt. He was its founder; but the idea was not entirely original. It was but an ingenious adoption, adaptation and enlargement in a less violent but more effective form of that which had been more than once before attempted in this country. Now, gentlemen, I am about to read to you some observations from one whose name carries with it a great deal of history and everything to admire—that is the name of Charles Kendal Bushe, who sat in this chair as Chief Justice of the Court with a dignity and power that never can be rivalled; from another, a Judge of this Court, and a third, a Chief Justice of this Court, whose name I shall presently mention. Gentlemen, Charles Kendal Bushe, when Solicitor-General over seventy years ago, thus described the state of the country. Referring to certain associations, he says—"What is the first object of these associations? It is the regulation of landed property and its produce. It is the vain and idle attempt to fix a maximum for rent, and prescribe the price of labour. It is the frantic project to prevent the transfer of property and to frustrate the exertions of industry. The nature of things, still more than the operation of positive law, has decreed that property should find its own level, and it is the first principle in a commercial country, and the first consequence of national prosperity, that property should be in a state of perpetual transfer and circulation. . . . . To check this natural progress, to arrest this perpetual motion in the great machine of human society, no legislation, however powerful or enlightened, has ever been rash or strong enough to attempt. What the wisest men and best of Governments would tremble to undertake as impracticable, and would reject as undesirable, these mob legislators have announced to be the law of their association. Land, they say, shall never rise, nor shall property change its possessor. To all ranks are their mandates equally directed, to the poor and to the rich. To the gentlemen of landed property they proclaim that the land which his ancestor had demised thirty or sixty years before must not rise on the expiration of the lease, or must rise only according to their arbitrary standard. Though the price of every article has increased fourfold in value, yet the land must remain stationary. Nay, more—if the former tenant was a beggar or a knave, yet he must be continued. No industrious man, however willing to benefit the property by his capital and labour, is allowed, upon pain of death, to be a competitor with the old proprietor. The consequence is, the land must remain unset, to the ruin of all interested, or the landlord must submit to the terms thus arbitrarily dictated to him." Gentlemen, another Judge of this Court, addressing the Grand Jury of Tipperary, at the Clonmel Assizes, 1808, says:—"And I understand that lately these legislators have promulgated a law that no owner of land should choose his own tenantry, and that no person should take ground, or enter into the possession of any farm, without the special leave of the association." But, coming to a later period, a great judge who presided here, and now long passed away, Chief

Justice Blackburn, in 1848, uses this pregnant and emphatic language:— "It further appears that the principal object of this combination is the destruction of the rights of landlords. Fraud, violence, and intimidation are resorted to, and even murder itself is perpetrated in the execution of their legal rights and remedies, and I hesitate not to say that if these designs, attempted to be effectuated by such means, be not frustrated, the practical and necessary effect will be that the occupiers of land must become substantially its proprietors." Well, gentlemen, that language is applicable even to the present state of things. Do not suppose that I intend to institute an odious comparison between the present defendants and those former midnight legislators, or by reading those extracts to prejudice the case of the defendants. On the contrary they seem to me to afford an argument in their favor, as they tend to show how necessary it is now, as it was formerly to remove by legislation such real grievances, if any, as may exist. Such grievances, however, can be dealt with only by constitutional parliamentary action. The Land League so founded was adopted as the Irish National Land League in October, 1879, and its printed rules and regulations are now before us. And, gentlemen, to these rules I am now about to refer you. It is one of the documents as to which I before said there was no concealment whatever. If I recollect aright it was proved by one of the Metropolitan Police that this had been handed to him at 62, Abbey-street, the place of meeting of the Land League; but it is a pregnant and important document, every line of which is deserving of your consideration. I do not intend reading it at length. It was read at length, or nearly at length, by the learned Attorney-General. It was commented upon by Mr. Macdonogh and several of his colleagues, that the entire of it was according to law, and it was powerfully observed upon by Sergeant Heron in his reply. Nevertheless, I find it my duty to call your attention to it, as I think it is one of the most important and pregnant documents in the case. Gentlemen, one of its provisions is, that a branch of the Irish National Land League—that is the one formed in the previous month of October, what I call a provincial branch—be formed in every parish in Ireland, or at least in every barony, with sub-branches or tenants' clubs upon every large estate, if possible. You see at once how large its ramifications were to be — in every parish or, if necessary and practicable, upon every large estate. These land-clubs, in connexion with the National Land League for the purpose of aiding it in its labours to emancipate the Irish tenant farmers from landlordism, should be formed in towns and cities in Ireland as also in the centres of Irish populations in England, Scotland, and America. And probably what Mr. Davitt meant in his speech on American sympathy was that he had with him the united sympathy of the Irish in America.' Then the rules go on to say that—"The membership qualification should not be less than one shilling each year from tenant-farmers or labourers. A higher rate could be fixed at the formation of every branch association if the means of the farmers in the locality justify such a rate. An honorary membership for merchants and sympathisers should be created in connexion with each association with a yearly subscription of not less than 10*s*. The funds of the local branch of the Land League should be used for defending such of its members as might have to resist rack-renting, arbitrary disturbance by landlord, or any unjust action in connexion with the tenant's holding, for which public opinion should be evoked, or compensation claimed under the provisions for that purpose set forth in the Land Act of 1870

Then local branches voting a per-centage of their funds to the National Land League could claim its assistance (that is its pecuniary assistance) in defending such actions as the foregoing, when resolved upon in the interests of the tenant-farmer member sought to be wronged or injured by his landlord or agent. When a case for trial should be determined upon by a local branch, a special levy should be made upon each member to meet the necessary expenses. If the funds in the hands of such branch should be inadequate a general meeting of the members should be called for that purpose and the amount of special levy fixed upon." No. 12. "No man taking a farm from which another has been evicted for non-payment of unjust rent should be allowed to become a member of any branch of the Land League." No. 13. "Any member of a branch association bidding for or occupying a farm from which a member or non-member has been evicted, or who shall rent land which a member or non-member may have surrendered on grounds of excessive rent or upon a refusal of a fair reduction of a rack-rent, shall be expelled the branch for such action, and should be looked upon and shunned as a traitor to the interests of his fellow tenant-farmers and an enemy to the welfare of his country." No. 14. "No man assisting to serve processes of ejectment or taking part in an eviction or purchasing stock or prodence seized for non-payment of a rack-rent to be allowed the membership of any branch or association. Any member of a branch proved guilty of any of the foregoing acts to be at once expelled and denounced for his action." That word "denounced" is a terrible one—"denounced for his action." That was the word used in the French Revolution when some one was to be brought to an untimely death by the guillotine at the hands of the revolutionary party. Again, gentlemen, No. 17—"The Managing Committee of each branch of the League should keep a register of the members, particulars of their holdings, names of their landlord and agent, amount of rent paid annually or otherwise, excess of same over Ordnance valuation, cases of rack-renting and eviction, and all other necessary particulars touching the relation of landlords with their tenants in the locality of such branch of the League." Then, by rule 25—"Such moneys to be used for the purpose of sustaining the National Land Movement in effecting such a change in the land system of Ireland as will establish the cultivator of the soil as the owner thereof." Gentlemen, I do not find it necessary to refer to any more of these. They have been read before to you. But when it is said that all these are rules, and that a confederacy bound together by such rules, and having in its design to carry out these objects, that it was a legal association, permit me to hesitate long before I adopt that proposition. On the contrary, if I were obliged to come to a conclusion upon it, I should say that upon the rules of the Land League alone it was not a legal confederation. Gentlemen, I shall advert to that presently when I come to deal with other portions of the case. But, as far as I can judge, Mr. Davitt continued to be, and I believe is, the guiding spirit and controller of this movement; and it is manifest that some members of the conspiracy entertained ultimate views going far beyond any reform of the land laws, and intending to use the abolition of landlordism, should it be effected, as but a means to a further and ultimate end. Many passages have been referred to as establishing this; and I am justified in the observation when I mention one or two. At Ballinlough, on the 27th June, 1880—this was long before the rejection of the Disturbance Bill—Mr. Brennan said—"The destruction of landlordism will be but

the destruction of foreign rule in Ireland. It is the chief prop of the institution. Remove that prop and the whole edifice will come tumbling in the dust. Ireland will take part in emancipating the world, writing on the tablets of ages 'Republican.'" At Milltown, on the 25th July, the same speaker says: "I mean something more than a green flag flying from Dublin Castle. I mean the Irish Nation for the Irish people. The highest form of Government is a Republic." Mr. M. M. O'Sullivan, at Ransboro', on the 4th July, says that they were "banded together to strike down landlordism in the first place, and British domination in the next"; and at that meeting Mr. O'Sullivan appears to represent the Land League, and to establish a branch there. Again he says, "The time has come to shake off the yoke of landlords, and also the yoke of British domination." Again. Mr. Sheridan, at a Land League meeting at Carrick-on-Shannon, and he I understand is also a member of the Land League, though Gordon and Nally it is said are not—says: —"You must at any cost have Ireland a free and independent country." Again Brennan says, at the same meeting—there are generally three or four of them at each meeting:—"I ask you to keep before your minds the one ultimate object—the sovereign independence of your country." I do not say a word against the independence of the country, or the sovereign independence; but it only shows the purpose of the confederates that their confederation had objects going far beyond the improvement of the land laws, and that they were merely using that as a means towards an end. Again Mr. Brennan, at Westport, on October 17th, says—"There is a higher cause than the land for the people," and he goes on to show that he means by it the independence of the country. Mr. Boyton, at Tipperary, says the real object is "to put the people on the high road to settle another question." Gentlemen, there was also a remarkable speech of Mr. Parnell's at Galway, on the 10th October, 1880; I will only advert to a single sentence. He says—"I would not take off my coat if the sole object of this movement was to settle the land question." Gentlemen, to these speeches, to these expressions, let us add the vile and blasphemous production called "Paudheen O'Rafferty, or the Landlords' Ten Commandments"—I do not intend to read a word from it—the open avowals contemptuously expressed in the Devoy letter, both circulated by the League; and Harris's long letters, also circulated by the League; and you will probably agree that my conclusion is not unfounded, though I apply it to two or three of the defendants, that there were ultimate objects in their minds beyond the mere procuring a reform of the law of landlord and tenant. Again, gentlemen, let me tell you, that the evidence which connects the League with the Ten Commandments of Paudheen O'Rafferty is this, that the printer proved to you the printing of—I do not know how many copies—that were paid for, I think by Mr. Davitt, over the counter, and that they were circulated widely at the meeting in the Park, which, I believe, was in March, 1880. It was there a policeman got one of them from the person who was circulating them; and they are referred to in the observations of some of the speakers, members of the League, at other meetings. The same observation applies to the Devoy letter and to Harris's letter, which also appear to have been widely circulated. As I have some further observations to make on this particular part of the case, perhaps it would be well to take our usual half hour's adjournment now.

The Court then adjourned.

On resuming, Mr. Justice FITZGERALD continued—Gentlemen of the jury—before we separated I had expressed somewhat of an opinion that might be misinterpreted—I do not mean to say as a positive matter of direction on authority, that, standing upon the laws and rules of the Land League alone—that it was an illegal association. Mr. Macdonogh combated that proposition in his speech, and he affirmed positively that upon the rules it was not an illegal association. All I say is I do not agree in that opinion, and if I were coerced to form an opinion it would be probably the reverse. But I am not coerced to express any opinion on it, and I wish you not to misinterpret me in that respect. Gentlemen, it is alleged—I am now dealing with the allegations of the Public Prosecutor here as those allegations bear upon the evidence and upon the entire issue, it is alleged, on the part of the Public Prosecutor, that we may read much that is not expressed between the lines of these rules of the Land League—that the objects of the confederation were more extensive than the rules expressed, and that its action was to be enforced by means of the most formidable character. It was alleged —first, that its object was to incite the tenants who had agreed to pay fixed rents not to pay those rents, if they or the League should consider them to be unjust, and that later on in the movement the combination assumed the form of not paying rents at all until the land question was finally settled. Gentlemen, I am not stating these as matters of proof in the case—it will be for you to say whether they are or are not proved as bearing on your final decision—but I am putting forward now the allegations made on the part of the Attorney-General. Secondly, it is alleged that if a landlord sued to enforce his demand—his demand for rent—it would be resisted to the utmost—that this was part of the combination, and that the League undertook to provide the means of resistance. Thirdly, that if the landlord had succeeded in the litigation and evicted the tenant the latter was to retake the possession by force, and hold it, and, if dispossessed, again to retake it, the League undertaking to assist him, and, when finally dispossessed, to build or provide a house for him near at hand to watch the farm. Then it is alleged that no man should be permitted (that is part of the agreement) that no man may be permitted to take or hold a farm from which another had been evicted for non-payment of rent, or where he had surrendered because he was unable to pay the rent. Fifth—that no man was to be permitted to bid for or buy any goods offered for sale under an execution for rent. Sixth—that all were induced or coerced to become members of the League; and lastly, that the commands of the League were to be enforced by the most terrible social punishment. These, gentlemen, are the allegations of the Public Prosecutor, and I shall only observe upon that, that there is evidence before you, which I shall presently advert to, proper to be considered by you and to be investigated by you, and from which you may come to the conclusion that these allegations are not unfounded, or rather are well founded so far as regards the leaders of the movement, and amongst them twelve of the present defendants. It is further alleged that the organization was most complete and skilfully devised—that it reached everyone, that it appealed to cupidity, and forbade men to be honest, and coerced the unwilling and the timid to join its ranks. It is alleged to have largely superseded the ordinary law and taken into its hands no small share of the Government of the country. It is also stated it did not confine its operations to the land question alone. It professed authoritatively and in unmistakable language to direct that

none but members of the Land League should be elected as Town Commissioners or Poor Law Guardians, or to some other public places. It is said to have invaded every relation of life, to proceed to regulate trade and commerce, and made in many parts of the country, and in many places, subservience to the League almost a condition of existence. Now, gentlemen, upon these allegations I state, if upon the evidence it appears that the object of the League was to crush and starve out landlords, and for that purpose to incite their tenants not to pay rents, and, if dispossessed, to retake possession—to prohibit the taking of farms from which others have been evicted, to frustrate the operation of the Queen's Writ, and to carry out their objects on pain of social excommunication, I have no hesitation, not the least, in declaring from this chair that the Irish Land League was an illegal confederacy, and that each and every meeting of those provincial meetings assembled under its auspices, and to carry out and to carry into effect these its objects, was in the position of an assembly unlawful by the common law of the land. The terrible weapon of social ostracism has been so often brought before you that I have to ask you to excuse me for reading to you in reference to it again. I take it now in rather a moderate measure from the print of the meeting held at Bantry, upon the 17th of October, 1880. I am familiar with that meeting, because I had all the details—they are in evidence before you—as I said I had all the details fully before me upon a trial at Cork recently, in which one of the present defendants, Walsh, was one of the defendants there. At that meeting a person of the name of Michael Curnane moved a resolution—"That we pledge ourselves not to rent or take a farm from which a tenant has been evicted on account of rack-renting or unjust rent, and that we call on the people of this locality to regard as the worst enemy to the people and the interests of Ireland, any man who so takes a farm." A man named J. W. Walsh, who is distinguished from the other Walsh, whose name has been several times mentioned in this case, by being called Mr. J. W. Walsh of Balla, and I presume he lives there on the borders of Mayo and Roscommon, he says, speaking to that resolution—"I have been deputed by the Irish National Land League to attend your meeting here to-day and to ask you"—he then goes on—"I ask you here to-day, as I ask you throughout the length and breadth of the country, to pledge yourselves manfully here to-day that you will follow the advice of the Land League (hear, hear), that you will refuse to work for these men"—That is the men who have taken farms—"that you will refuse to recognize them in the public street or market place; that you will refuse to recognize the shopkeeper that supplies him with goods; that you will not allow your children to mix with theirs; that you will leave their corn to wither and their potatoes undug—(interruption)—and I ask you here to-day to strike from this time forward against the demand for rack-rent." Now, gentlemen, that declaration is not alone explicit, but it becomes particularly important, because the speaker says, "I have been deputed by the Irish National Land League to attend your meeting. I ask you to follow the advice of the Land League," and he then specifies what that advice is. And on the same day, the 17th October, but at a place very far apart, Mr. Walsh—I judge from being Walsh of Balla, that he is, as I have said, probably a Roscommon or Mayo man—but on the same day at Westport—and it is a coincidence in this case and gives a force to the evidence that is not to be lost sight of—on the same day Mr. Brennan, who holds some office—who is an office-holder in the League,

I don't know his position, but he appears to be a very eloquent and able man, though I entirely dissent from his teaching—he is something connected with the League——

The *Attorney-General.*—He is the Secretary.

Mr. Justice FITZGERALD.—On the same day Mr. Brennan says, "You must refuse to take the farm of the evicted. You must let that farm remain there idle as a testimony to the fidelity of the people. But should there be such a wretch in the community found to deal in stolen goods, to make money upon the misfortunes of his countrymen, then you must visit him with the severest sentence of social ostracism." Social ostracism is a very expressive word. I dare say some of you know what it is derived from. In ancient Athens of old, when the people at one of their public courts voted exile or sometimes death, the sentence was recorded on a shell, and the word "ostracise" is derived from the name of that shell. "You must visit him with the severest sentence of social ostracism. You must not allow your children to speak to his children. You must not deal with the baker who would sell him bread, or the butcher who would sell him meat. You must refuse to enter a house the threshold of which he would be allowed to cross. You must leave him severely alone and let him wither under a people's curse." Gentlemen, at Bawnboy, in Cavan, a few days afterwards, another of the defendants, also, I believe, another of the officials of the League, Mr. Sheridan, who also appears to be a man of considerable ability and intelligence, the only objection I now make to him is that at the same place that day, sometime on the same day, he delivered a speech which I have the trouble of reading. I do not object to one speech, but three I do object to. Well, Mr. Sheridan says—and Mr. Biggar, another of the defendants, who is a Member of Parliament for Cavan, was present at this meeting—"If perchance any man among you should forget himself as to go and bid for the holding of his neighbour, or take possession of it—if any one among you should do it, I will tell you how I wish to see you treat him. I do not want you to commit a breach of the law by assaulting him or hurting him; by that means you serve the cause of your enemy than your own cause; I want you to bring down the force of public opinion upon him. If you see him at church or chapel, fair or market, pass him; hate him. Let him be a thing of loathing; a leper so unclean as not to be fit to be touched or associated with by any of his fellow men. If he has cattle to sell, let no man bid for them; or cattle to buy, tell the unclean wretch to move away from you (laughter). If he has potatoes to dig, or stubble to dig, or corn to cut, or anything else, let him go out and do it himself (laughter). If he has a shop, and offers goods for sale, let no man who has respect for God or country leave a penny in the house (cheers and laughter). Let him eat his stock in trade; when that is done, let him go away (laughter). By these means you will do infinitely more good than if you went out and committed a breach of the law, and took his life. You do five hundred times more good than by committing a breach of the law. I would exhort you to keep within the lines of the law." But I must add that Mr. Sheridan was giving them advice to commit a breach of the law. It is alleged, gentlemen, that armed with such a weapon as I have just described, and called social ostracism the League became irresistible, and we see by the evidence before us that farmers, artisans, commercial men sought an immunity by subscribing to its funds. It has been well said that the tyranny of a regular Government is happiness itself compared with the cruel and the

iron despotism of a mob. We see about us the state of things alleged to be some of the results—the paralysis of trade and industry, the cessation of all enterprise, the absence of remunerative employment for the labouring classes, and the continuance of a system of intimidation which makes the life of the country gentlemen, in some parts of Ireland, almost intolerable. Land has become unsaleable, and in a great year—a year of great plenty, suffering, and poverty, almost universally prevail. Now, gentlemen, I ask you to approach with me, and carefully, and calmly, and considerately to approach the evidence in the case. You recollect that allegations were made to the effect that these men—the defendants were never proved to have come to a common agreement—that they were not proved, as I have said before, to have put their heads together, and that you ought not to infer a criminal agreement unless there was positive and express proof of it. Gentlemen, the evidence before us is almost entirely either documentary, such as that which shows the rules and conception of the League, or printed reports of the speeches and proceedings of a great number of the Land League meetings commencing in the month of May, 1879, and ending in December of the same year. The investigation of this evidence and the true interpretation of these speeches comes properly, may I say entirely, within your province. You will observe that that evidence is of a peculiar and persuasive character. With this evidence—it is not a case in which you are referred to draw any strange inferences, or in which it is open to you to say as you might in another case, and as was urged before you in this—that each man was speaking for himself alone, and ought to be alone responsible for his own words; in many cases that would be a fair and just and most persuasive observation; but the case before us, gentlemen, is totally different. You have in twelve of the defendants, the President and officers and principal men of the League, and amongst them there are five members of the Imperial Parliament. You have before you the constitution of that League, its rules, and you will not fail to see that the speech of each defendant expressly declares that the action of the speaker and the advice he gives, and the resolution he moves or supports, is to carry out the common purpose. I wish pointedly to call your attention that in almost every instance where one of these twelve—I am now excluding from consideration, for the moment, Nally and Gordon—I shall apply special observations to these hereafter—but as to these twelve defendants—that in almost every instance they go professedly as members, as members of the League, to carry out its purposes, to move its resolutions, and to speak in support of those resolutions, so that in fact it is not inference from facts, it is not inference at all to be drawn, it is interpretation of the language which each man uses, and you will find, gentlemen, that in fact, each meeting, each speech, each resolution may properly be interpreted by you as an overt act for the common purpose and as intended to further and carry out that common purpose. You can read plainly in the cold and unyielding language of Mr. Parnell, the same common purpose. It is for you to interpret this language—I am only submitting to you my observations upon it,—but you can read the same common purpose—which is more openly, unguardedly, and undisguisedly expressed by his more eloquent and more abusive companions; but it indicates and is part of the common design, and it seems to me that you may deduce it, if you please, by the circumstance that you find on the same day, though in different parts of the country, several of the defendants making similar speeches, sometimes almost in the same language,

moving similar resolutions, expressing in the same general language the objects of the League and moving the same resolutions. It really is not an inference to be deduced—it is the meaning you are to put upon language—that is supposing that words are calculated and intended to convey ideas. It has been urged upon you for the defendants and truly that you ought to take into consideration not only the passages in these speeches which have been read for the prosecution, but also the whole speech. Nay, you may take into consideration the whole proceedings at each meeting. If there is anything found in it to displace the meaning imputed by the Public Prosecutor to the words used; the position is well founded, and accordingly the defendants in evidence, and Mr. Curran in his address, relies upon many other passages and other speeches to which he properly directed your attention, and which he alleged qualified the meaning of the words imputed to the various defendants. Gentlemen, he was entitled to address to you that argument, and he did it with considerable force, and I invite you, if you think fit, to consider every speech and every meeting before you; but still you are to consider and determine whether the meaning imputed by the Public Prosecutor to the plain and express language used by the defendants is not the true meaning. Again, gentlemen, it has been said that police reporters were not to be relied upon, and the only question that came from your body in the whole course of this case was one in reference to that—I think it was from Mr. Macken, one of the jurors in the back ground—and it was not an unfair question. He asked as to whether the speech was reported by Mr. Gurney's men—who have made that a trade—I mean to say profession, and a very high profession it now is—men who have acquired a skill by which they are able to unerringly report verbatim all that falls from a speaker—or was it a police reporter? That was a very fair question; and it opens up a topic upon which I have to make certain observations. In reference to the police reports it has been truly observed—that, with one exception, all were shorthand writers—and that one had not acquired that facility which a professional gentleman who devoted his whole time to the work would have acquired. But there was one and only one who did say that he was a shorthand writer with such skill that he undertook to report verbatim all that was said. Some of them said they could only give one sentence in five, and others, one sentence in six; and of course, gentlemen, dealing with such evidence you have to consider whether there might not be more said by the speaker than the reporter was qualified to give. That argument, which has been forcibly addressed to you, was a very just one. Those police witnesses—I must say a word about them. It appeared to me that they were all men of great intelligence even to Stringer, who is so much observed upon and whose name had gone abroad in reference to some other prosecutions. He appeared to me to be a man of marked intelligence. It appeared to me that they all gave their evidence fairly so far as it goes, and without bias, and subject to the just comment made by the various speakers; it appears to me that they were men of intelligence and a credit to the force, and I venture to say that in no other country—in England, Scotland, France, or Germany—in any other country you will scarcely find in the ranks of ordinary policemen—police-constables—you will scarcely find a body of men to exceed in intelligence, and, so far as we have their conduct before us, and for propriety and fairness, better than the police witnesses produced before us here. Gentlemen, in reference to the omissions, they are admitted fairly, and each for himself says that the sentences I have given you were used by the various

speakers—positively affirms it, and I see no reason therefore to doubt the truth or accuracy of that statement. Gentlemen, there may have been a good deal occurred that they did not report. Gentlemen, there is this to be considered, that there was every opportunity given to the defendants of contradicting these police witnesses, if their statements were untrue, if they had reported untruly, and you cannot fail to observe that they were cross-examined from the columns of the public press, and if they had failed to report anything that might qualify the language which they had put in the mouth of the speaker, it was quite open to the defendants, by the instrumentality of the public press, to prove that this was not an accurate report—they could have called the qualified reporter of any of the morning papers who was present—take the *Freeman's Journal* for instance. If in the report of any of these meetings the police witnesses omitted anything that was important, if they misreported anything, it was open to the defendants to call the reporter of any of the newspapers, to have examined him, and said, I was present, I am a professional shorthand writer, and reported the meetings *verbatim*, the police have omitted such and such circumstances which would qualify or go to affect the meaning of what they have reported. That evidence would have been received at once, and it would have been admissible for you to consider, and you would have had to take it into account. No such act as that has been attempted. No such evidence is given for the defendants, and I cannot pass by without observing that you cannot discredit in their entirety the police witnesses who have been produced before you. Again, gentlemen, it has been alleged in reference to the evidence at large, and with great force by Mr. Macdonogh, that there was no guilty intention, and that the intention of the defendants was ultimately to effectuate good—that is the conversion of the tenants of the present day into peasant proprietors in the country. The intention charged here is to injure and impoverish the landlords, and of that intention, as a fact, it is said there was no evidence. It is said you are not to suppose that if the defendants had a large and wide intention of working a great common good they had an intermediate design of injuring anybody. Now, gentlemen, as to the intention of the defendants—I am afraid I am obliged to say on the evidence—that there can be no reasonable doubt—but altogether it is a matter for your consideration. The intention alleged here is to impoverish the landlords, and by impoverishing them to force them to give up the property that they have at present, upon terms of compensation, which might be very inadequate. That intention is scarcely open to doubt, and I will tell you why. In an ordinary case we generally lay down the law thus:—that the intention of the man, which is the matter within his own mind, can only be inferred from his external acts, and clearly if we were to apply that law to the present case, and the external acts of the defendants, they should be taken to intend what was the necessary consequence of their external acts: for if their acts as alleged prevented the landlords getting their rents, and prevented the tenants from giving up possession, and told them to resort to force to regain possession, and prevented the landlord levying execution under a decree, and prevented other parties taking farms when they were emptied, then there would be but one result of such a course, namely, the impoverishing and ruining of some of the landlords; and we lay down generally as a proposition of law that parties must be held to intend, what are the necessary consequences of their acts. Now gentlemen, in the present case we have not to resort to any such doctrine as that—we have only to refer to the expressions of the

defendants. In their speeches you will see it plainly avowed that the intention is to crush—such expressions as this—"crush them," "annihilate them"—crush them out, starve them out, get rid of them in any way as the vilest oppressors the land can endure. You will find in the speech of every defendant something equivalent to that. It is not an ordinary case where you spell out or infer intention from their apparently innocent acts, but where the intention is proclaimed in unmistakeable language at every one of these provincial meetings. Now, gentlemen, you have to approach with me the evidence that is given here. You have really but to do with two things—the issues which I have already explained to you, and the evidence which on the part of the public prosecution it is alleged establishes these issues. It was in consequence of that I invited you at once to discharge your minds of all the flood of eloquence that has been poured around you in the history of a century and a half. It has nothing to do with the case, and we come down to the year '79. No doubt, as I have said before, that was a period of great distress in this country—not a famine, but great distress. It would be impossible to compare it with the famine which unfortunately prevailed in 1845—began in '45 and ended in '49. It would be impossible to describe that famine; it is only those who lived in it that can realize the scenes. But to attempt to compare the two periods, you might as well endeavour to make out—and indeed it is endeavoured to be done—that the landlords of the country were answerable for the famine which prevailed, or to make out that they were answerable for the distress which did prevail in 1880. There is no doubt that in '79 there was considerable abstention of landlord's rents, but the advice given by Mr. Forster was not acquiesced in on all hands, and there might be a very considerable amount of what we call landlord oppression. We will take this all as a foundation on which we proceed; but again, I repeat, that the acts of landlord oppression, which have not been proved mind, and some of them, I have no doubt, are either total fabrications or greatly exaggerated—but, gentlemen, we have that foundation to proceed upon here, and now the course which I will endeavour to accomplish is shortly to advert to the evidence given in the case as it bears upon each particular individual. I take first in order the five Members of Parliament, next the seven defendants—prominent members and leaders of the Land League executive with whom they are associated, and lastly I propose to deal with Nally and Gordon. And give me leave to say I don't mean in the slightest degree to seek to make Mr. Parnell or the other four Parliamentary defendants, or any of the other defendants, responsible for the wild and murderous language of Nally, or that you ought to assume—deliberately take him as one of their confederation, or that the extraordinary language imputed to Gordon involved them all in the one common design of fostering outrage. I give them credit for endeavouring to check it: they have a great lesson to learn—that once you open the great flood gates of crime and disorder, no one can tell how far that lawlessness will proceed. I now proceed to deal with the first portion of the evidence as it affects Mr. Parnell, who is said to be the head and leader of this movement, as he is undoubtedly the Parliamentary leader of a large number of the members of the House of Commons, and no doubt he is a most important individual. In this case I have characterized his language as cold, it is measured and it is unyielding—it is put forward with great care, with apparently great art; and I don't hesitate to say that Mr. Parnell has exhibited qualities which entitle him to rank as a great statesman, and be one amongst the first of the land, if his ambition had been confined

within legitimate limits. Mr. Parnell attended no less than eleven of these provincial meetings, commencing on the 3rd May, 1880, and ending, I think, in November or December of the same year. I find him attending at Irishtown on the 3rd May, 1880, in company with Mr. Davitt (I told you an important name in this movement) to celebrate the establishment of the local Land League in Mayo on the 3rd May, 1880. Mr. Davitt spoke before Mr. Parnell, and it was in that speech he alluded to the American nation, and said the whole people of America, and the whole Press, save and except that grovelling something rag—the *New York Herald*—the whole American nation had declared that justice and national right demands that the landlords of Ireland should go. In that speech also Mr. Davitt—you see if Mr. Parnell and Mr. Davitt are confederates, Mr. Parnell is answerable for everything that Davitt said in furtherance of the object of the confederacy, but we have not to resort to that here. At the meeting of the 3rd May, 1880, Mr. Davitt was present and made a speech immediately proceeding Mr. Parnell. He demanded that landlordism should go down, and he proceeded to urge that "we must finally crush landlordism out of Ireland for ever." Gentlemen, while I have pointed out that it would be perfectly legitimate by constitutional and parliamentary action to seek such a revolution in the law as that the present occupiers should become peasant proprietors, and the landlords be dismissed with compensation, yet such is not the meaning to be attributed to the speeches, but there is one characteristic which pervades them one and all; that there is absolutely a denial of effecting that—a hopelessness of effecting that—by constitutional and parliamentary action. The landlords are to be crushed first by the meetings of the Land League, and thus being crushed it is easy to dispose of them. Mr. Parnell at that meeting first uses the words "keep a firm grip on your holdings." The meaning of that expression was pregnant. I think he is the author of it—at least I don't find it used before anywhere else. "Keep a firm grip of your holdings." It has been argued here before you on the part of the defendants that the meaning of that was "don't emigrate." Gentlemen, it will be for you to say whether that is the meaning of it or not. I will not insult your understanding by any argument as to the just interpretation of that speech, but that is not the meaning. He says "The land cannot be sold at even twenty-five years' purchase, there must be a transfer of the land to the people; there can be no other settlement of the question." A resolution is proposed by Mr. Davitt at the meeting—"You will take the pledge you made twelve months ago to the country; keep a firm grip of your holdings; pay no unjust rent." Gentlemen, again Mr. Parnell was present at the meeting at Beaufort on the 16th May, in which he tells his hearers—I am only taking a short sentence; you will have the whole speech; portion of the speech has been read already, it was read to qualify this meaning attributed to Mr. Parnell here. "The question will never be settled as long as the institution of landlordism prevails." Again at Ennis, on the 19th September, Mr. Parnell attends, and there are different other speakers. Now I beg your attention, for you are to investigate everything connected with this meeting and give a proper and fair interpretation to the language and a just interpretation—it is for you and not for me. He says, after advising them not to go before the Commissioners appointed—"Depend upon it that the measure of the Land Bill of next session will be the measure of your activity and energy this winter (cheers). It will be the measure of your determination not to pay unjust rents ('Good,' and cheers). It will be the measure of your determination to keep a firm grip of your homesteads (cheers). It will be the measure of your determination not to

bid for farms from which others have been evicted (cheers), and to use the strong force of public opinion to deter any unjust men among you (and there are many such) from bidding for such farms. If you refuse to pay unjust rents, if you refuse to take farms from which others have been evicted, the land question must be settled (cheers), and settled in a way that will be satisfactory to you." No doubt it would be exceedingly satisfactory to the tenant to get his farm as his own on moderate terms, but, in the meantime, there would be a total cessation of the payment of rents. "Let no man pay unjust rent or take a farm from which others have been evicted." He then continues, "you must band yourselves together as Land Leaguers; every little town and village must have its own branch; you must know the circumstances of all the holdings and tenancies in the district over which the Land League has jurisdiction"—also a very comprehensive word, "jurisdiction." "Now, what are you to do to a tenant who bids for a farm from which his neighbour has been evicted?" Gentlemen, I omit all the expressions of the crowd. I don't think a speaker should be bound by them. If we were trying an indictment for seditious speech or seditious conspiracy the shouts of the crowd might be very potential to show the character of the meeting, but what we are trying is an entirely different question, and I invite you not in the least to affect any of the various speeches by any chance expressions of the crowd. In the same manner I invite you to exclude from determining the innocence or guilt of any of the defendants, save possibly Mr. Nally himself, by what I call the unblushing and murderous speeches of that drunken defendant himself. "Now, I think I heard somebody say, 'Shoot him' ('Shoot him')—but I wish to point out to you a very much better way, a more Christian and a more charitable way, which will give the lost sinner an opportunity of repenting (hear, hear). When a man takes a farm from which another has been evicted you must show him on the roadside when you meet him"—I don't know exactly what he means by that—"you must show him in the streets of the town, you must show him at the shop-counter, you must show him in the fair and in the market-place, and even in the house of worship, by leaving him severely alone, by putting him into a moral Coventry, by isolating him from the rest of his kind as if he was a leper of old—you must show him your detestation of the crime he has committed, and you may depend upon it if the population of a county in Ireland carry out this doctrine that there will be no man so full of avarice, so lost to shame, as to dare the public opinion of all right-thinking men within the county, and to transgress your unwritten code of laws (cheers)." That is the unwritten code of laws—I don't wish to predicate your decision on it—adopted by the Land League. That is the speech of a practised gentleman—I will not say a practised orator, but a practised speaker and debater—and it will be for you to say whether in its true interpretation it does not largely establish as against Mr. Parnell, some of the many allegations which the public prosecutor has put forward. "I hope the question will be settled peaceably, fairly, and justly to all parties, but if it should not be settled, we cannot continue to allow this millstone to hang round the neck of our country, throttling its industries and preventing all progress, and it will be for the consideration of wiser heads than mine ('There could not be'), whether if the landlords continue obdurate and refuse all just concessions we shall not be obliged to tell the people of Ireland to strike against all rent until this question has been settled, and if the 500,000 tenant-farmers of Ireland struck against the 10,000 landlords, I should like to see where they would get police and soldiers enough to preserve the peace (cheers)." Gentlemen, I think from the statements of some of the

defendants (not Mr. Parnell's speeches—that we have heard read) that the time had seemed to their minds to approach for that ultimate resort and that there were some amongst them who told the people of Ireland to strike against the payment of rent until this question was finally settled. At the same meeting at Ennis, Mr. T. D. Sullivan—I don't intend to read his speech, but, while I have it before me, I may make a statement. He followed Mr. Parnell's speech, and he says, amongst other things—Mr. Finigan, the member for Ennis, was also present, and his speech was also read—Mr. Sullivan says:—"Now, Mr. Parnell and Mr. Finigan have told you here to-day that the key-note, the key-stone, of your power is this, that a stop shall be put to the taking of farms from which families were evicted for the non-payment of an unjust rent. Now, let me tell you, that no matter how you meet, or no matter how you pass resolutions, or no matter how you cheer, if the practice goes on of outbidding one another for these farms, or of taking these farms at all on which evictions have taken place, all our labour is vain ('Bravo'). Nothing that we can do will save you if you go taking the farms from which the landlords have cleared out honest and industrious families, because they failed to pay them unjust and extravagant rents. But, my friends, so sure as the sun is shining on us, so sure it is that if you stand to each other like brothers, follow the advice that has been given you here to-day, leave those farms to grow thistles and rushes, and if any one is base enough to go in on them, shun him ('shoot him'); let him be as an outcast amongst you, and his life will be a life of shame and a life of misery, and the shame will attach not only to himself, but to his children and his children's children (cheers)." Gentlemen, again on the 2nd October, Mr. Parnell attended a meeting at Kilkenny, at which that letter of which I have spoken from the Bishop of Ossory was read. There was a great deal spoken by Mr. Parnell at that meeting, and he rejects for once and all what has been called the three F.'s settlement of the land question. He says—"If you organise yourselves in this county of Kilkenny ('We will'), if you join the National Land League (cheers), and send us information as to the rents of the tenantry throughout this county, as soon as we get information we will organise a strike against rent on the estate of every rack-renting landlord in Kilkenny." I have now, gentlemen, to point out to you that the meaning of rack-rent is the full rent, that is, the fullest rent that a solvent tenant can be induced to pay for a farm. Gentlemen, there might be, possibly you think, no harm in resisting a rack-rent, but who is to determine what is a rack-rent? I pointed out that before to you, the Land League or the tenants were to assume the determination of that—"As soon as you form yourselves into branches of the Land League, and send us the rentals, and the Poor Law valuation of every tenant-farmer in the county, we will select out of that number for you those holdings that are obviously paying a rack-rent, and we will come down and assist those tenants to strike against the payment of further rent for some time." Mr. Parnell is a very methodical man.—"But we wish you to do this in a methodical way. You must organize yourselves, you must collect the information and send it to us, and then we will select a certain number of landlords in this and every other county, and we will call upon the tenantry on those estates to refuse to pay any more rents until those rents are permanently reduced, and we will stand by the tenantry in this struggle; we will help you with all the resources at our command, and there are millions of your countrymen and countrywomen in America who will help you also." At that meeting, gentlemen, Mr. T. D. Sullivan was also a

speaker, and Mr. Thomas Sexton made a speech. Mr. Sexton says, amongst other matters, "Believe me, there is nothing to be done with the Parliament of England until the tenants of Ireland first prove by united and determined action that they are able and resolved to settle the question for themselves. What is the work the Land League has to do, the branch of the Land League that is now about to be founded in this county? Its first work is the work of organization, that is, to band together in one solid union the tenant-farmers of this county; and when the tenant-farmers of this county join with those of the other counties, and when we have spread these land leagues from north to south and from city to city across the surface of the island, then show me the landlord that will be able to assert his tyranny. The Land League has also to perform work of inquiry. We are met in the House of Commons by scoffers and by skilled rhetoricians who are skilled in making falsehood appear to be the truth; but if you will help us in collecting facts, in showing what landlords are harsh, and telling us what tenants suffer, in laying the facts and the truth before their representatives, I promise you that when tyrannical Tories and selfish Whigs speak in the House of Commons our tongues will not be wanting to tell the truth. Now, lastly, the Land League has a work of protection to perform." And he adds—"Besides the organizing of public opinion, they will prevent any man, a cowardly wretch, from behaving as a traitor to the public interest, and from committing the political sacrilege of taking a farm from which a tenant has been unjustly evicted." Gentlemen, the next meeting Mr. Parnell—it appears he attended eleven altogether—he attended at Longford. I don't intend to read his speech, but it contains this passage—you will have the whole before you—"The Land League, the National Land League of Ireland which I represent here to-day, has not yet decided where along this line it shall halt"—that is, where along this line they should shape the ultimate disposition of the rights of landlords and tenants. Gentlemen, he is next found at Galway on the 24th October, 1880—that meeting took place after the unfortunate murder of Lord Mountmorres, and allusion is made to it, and Mr. Parnell says—"I say that the people who are primarily responsible for the murder of Lord Mountmorres, if it was an agrarian crime, and of that I have very great doubt, are the House of Lords, who, by rejecting the Compensation for Disturbance Bill, took the arbitrament of this question from the Courts of Law, and placed it in the hands of the people; and the man who is secondarily responsible is this pretended humanitarian Chief Secretary of ours, buckshot Forster, who, when the House of Lords kicked out this Bill, and smote him on one cheek, turned to them the other cheek to smite also." Gentlemen, I think I have read somewhere among the speeches that the Disturbance Bill thrown out by the House of Lords was not worth the paper it was printed on, but whether that was his view or not I shall not pretend to say; but Mr. Parnell says—"I wish to see the tenant farmers prosperous; but large and important as is the class of tenant farmers, constituting as they do, with their wives and families, the majority of the people of this country, I would not have taken off my coat and gone to this work if I had not known that we were laying the foundations by this movement for the recovery of our legislative independence. Push on then towards this goal, extend your organization, and let every tenant farmer, while he keeps a firm grip of his holding, recognize also the great truth that he is serving his country and the people at large, and helping to break down English misrule in Ireland." Passing on, gentlemen, to the meeting at

Tipperary, on the 31st October, we find Mr. Parnell again a speaker at that meeting, and that Mr. Dillon, the Member of Parliament for Tipperary, and Mr. Boyton—whom I have heard described as the organizer of the Land League—were present and were speakers. I am reading only passages, but you will get the whole before you. Mr. Parnell says, "The two chief planks in our platform are, firstly, that the tenants shall not pay rack-rents, and secondly, that no man shall take a farm from which a tenant has been evicted under such circumstances (cheers). Now, if you carry out these two principles, it will be utterly impossible for any Government, no matter how strong, to prevent the march of progress in Ireland; you must win." And no doubt if these two were carried out to the full extent, the tenants of the country must win. He calls upon them to push on and establish a branch of the Land League. At the same meeting Mr. Dillon was a speaker, he spoke next after Mr Parnell, and he says, "I think that the time has come in Tipperary now when we ought, in the name of the National Land League, to proclaim all over this county that for this year the people shall pay no more rent than Griffith's valuation; that they shall pay Griffith's valuation, and no more. (Cheers.) I think that is about the fairest thing that we can come at. If the landlords do not like that, let them go over to London. and go down and make a petition to the London Parliament to settle the question. The people of Ireland have petitioned to that Parliament too often. The people of Ireland will not petition to an English Parliament again, but they will settle their own questions." At the same meeting Mr. Boyton says, "Men of Tipperary, I have now to perform a duty as the organizer of the Irish National Land League that I have already performed before 100,000 Tipperary men. To-day I shall give you a second pledge, or, in other terms, I will add a line to the pledge already taken throughout Tipperary. I now call upon every honest Irishman in the sight of God and before his fellow countrymen to pledge himself never to take land from which his neighbour has been evicted for non-payment of an unjust rent, never to work on that land, and never to purchase crops or cattle seized for non-payment of rent." And again he says—"And it is here in Ireland that we will first settle the land question in our own way, and, please God, will go on with another league when this has ceased to exist that will put the Irish people on the right road to settle another and a greater question." Gentlemen, I have only one more of Mr. Parnell's speeches to give you. Don't be frightened if I have gone at such length into his case, but I look upon him as the principal party now before you, and with reference to that question you will derive more light and more information from his calmly-expressed speeches than from any of the long-winded rhetorical flourishes of his co-defendants. At Limerick, again, on November 1st, Mr. Parnell addressed a great meeting, and Dillon and Boyton were again his companions. Speaking of dealing with the labourers he tells them with somewhat of simplicity—"I have no objection to the Legislature giving them an acre or two of ground on the farms on which they labour." No doubt that would be very beneficial to the labourers, but I would like to know what the occupying tenant of the farm would think of it to give each labourer he employs two acres of ground with a house on his farm. He goes on then, gentlemen, and says—"What we ask you to do for this winter is to push down the rents, lower the rents." He told you before, gentlemen, in one of his earliest speeches that the Land Measure to be introduced by the Government, and the line at which the Land League would stop would depend on the exertions of the tenantry during the coming

winter—a part of the winter we have passed through—before the meeting of Parliament—"What we ask you to do for this winter is to push down the rents, lower the rents, to combine amongst yourselves," and with that an expressive expression comes forth from a voice in the crowd, the expression, "They have us processed." There is a great meaning in that, the process is a speedy weapon to enforce payment of the demand, and Mr. Parnell says, "Why, if you are afraid of a process you had better go out of the country altogether." Part of the alleged combination was to prevent the levying of these executions—"if you are afraid of that you had better to go out of the country altogether—it is better for you." At that meeting Mr. Dillon spoke, he is always more diffuse, and I regret to say it, language is attributed to him which has a degree of violence connected with it. I am very sorry to be obliged to make the observation. I would willingly pass over Mr. Dillon in silence if I could do it, but I am obliged to read his language in this great public prosecution. He says, "We propose to take back from the landlords what they robbed from the people in the days of their power. We propose to settle the Irish land question by showing (a voice, 'American principles,') the Irish landlords that we, the people of Ireland, have the power, without appealing to Parliament at all, to dictate to them what rents we shall pay, and to pay no more." You recollect there is almost in every speech a disclaimer of proceeding by Parliamentary action at all. "Now I want to ask the people of Limerick, are they going to submit to tyranny while Tipperary, and Clare, and Kerry, and Cork have raised the banner of revolt against it? If you are not going to submit, show you are men, and let there be before Christmas, before three weeks, a branch of the Land League in every parish in the county of Limerick. Go over the rent-roll on every estate in Limerick, and when the next gale day comes, have agreed amongst yourselves what you are going to pay. In Tipperary they have pledged themselves to pay no more than Griffith's valuation. I think you would do well to take the same pledge in Limerick. When you have taken it stand to it like men, and stand to each other, and if any man goes back on his neighbour" (that is by paying his rent), "then let him be an outcast in Limerick." Again he says—"Three cheers for the Limerick branch of the Land League"—oh, no, this is Mr. Boyton who says—"I have been requested by the secretary of the meeting to read the third resolution, which is a very important one; 'Third: Whereas the English Government has hitherto refused to protect our interests from unscrupulous landlords, we hereby, in public meeting assembled, resolve to protect ourselves by the adoption of the following proposals: 1st.—Never to take a farm from which a tenant has been unjustly evicted, to hold no communication either with the man who violates this rule or his family. 2nd.—To withdraw our custom from any shopkeeper either in Limerick or in any other town or village in the county who either sells to or in any other way accommodates such a person; and finally, to refuse permission to all rack-renting landlords and bad agents to shoot or hunt over our lands.'" I need not tell you that was adopted by the meeting *nemine contradicente.* Now, gentlemen, such is the evidence which directly affects Mr. Parnell; he may be affected in another way if once you arrive at the conclusion upon the plain language I have called your attention to, which I invite you to investigate, that this agreement existed amongst these confederates to crush landlordism by preventing the payment of rent and by the other actions that have been described. Why, gentlemen, it follows as a rule of law that Mr.

Parnell becomes responsible for the speech and action of every one of his co-conspirators in the carrying out of the common designs: if once you are satisfied of the existence of a common design, and that he was a party to it, he becomes responsible for the language, the acts, the speeches, and the resolutions of the other defendants—he is responsible. Now, gentlemen, I have spoken to you already of the different speeches and addressed myself upon that subject, it will be for you to consider, and it will be for you to say whether or not the light thrown by these speeches of the leader of the Irish National Land League, or the light thrown upon them by the rules, does not indicate that part of the common object of the leaders of that Land League was all that has been imputed to them by the learned Attorney-General. Gentlemen, I shall have to return to the subject and explain to you by-and-by—I don't intend to read what I have read before—but to explain to you by-and-by the rules to which you should apply your minds in the investigation. I now pass on, gentlemen, to another of these defendants. I next take Mr. Biggar. Mr. Biggar is one of those who expresses himself—I never saw the gentleman until I saw him here—but he I must say he expresses himself with a great deal of fulness. There is very little concealment about him. There is a kind of simplicity about his expressions, and he certainly does not disguise what he intends. Gentlemen, I don't intend to read for you more than one or two passages from speeches of his. Mr. Biggar attended altogether ten of these provincial meetings. At Castleisland, and again at Mullagh, in December, 1880, he certainly expresses himself with great openness and with great candour as to what he intends. The first I shall read to you, gentlemen, is from a meeting that took place at Castleisland on the 10th October. Mr. Biggar was there. There were several others present. It is a very important meeting. I ask your attention to it. He says in the course of his very diffusive speech—"Then, brethren, there are other duties which Land Leaguers can do of the very greatest importance (interruption). Among other things you can take care that none of your neighbours give more than the . . . . . valuation to the landlord in the shape of rent. You can take care, if anyone is base enough to take property against the course pursued by his fellows, that the public opinion of the district can be brought against him, and that he be forced, not by physical means, but by means which are exceedingly powerful, to do what he ought to do in regard to a matter of that kind. Then suppose a tenant-farmer is threatened with an eviction with no cause, you can take care that all the facts are supplied to the Land League in Dublin, and that this man would get a proper defence. In the great majority of cases, if they had been properly defended . . . . . the result would have been that the landlords would have been unsuccessful. and the tenant would have continued in the possession of his farm. Then, again, suppose a tenant is evicted, you can, if possible, take means to have this tenant put back into his holding. You can take care that the land will be of no value to anybody else, you can take care that the cattle shall not be cruelly treated, but that they can stray off the land: the fences will fall down, and there will be no benefit in having that land. Suppose any man takes this land? These are all means which you can take. Another means was taken in Limerick the other day. A farmer had taken a farm from which the occupier had been evicted. He took the produce to Limerick market, and could get no buyer. You can take care that any of these shall be a marked man, and shall suffer instead of gain. There is another question which has been raised very much. The Land League are unfairly charged with the shooting of landlords. It is no part of the duty

of the Land League to recommend the shooting of landlords for a great variety of reasons. They never have given any advice of the sort. Mr. Hussey may be a very bad man, and plenty of other men are as bad as Mr. Hussey." Mr. Hussey is a gentleman in the South of Ireland having an estate of his own, and he is a very large agent. Hitherto I have been inclined to believe it was always understood that he was a very good agent, and I can say, as a Judge very frequently going the Munster Circuit, I never had a land case yet before me from any estate in the agency of Mr. Hussey. Mr. Biggar goes on to say—"Mr. Hussey may be a very bad man, and plenty of other men are as bad as Mr. Hussey, but I can tell you what the Land League can do. If anyone is charged with shooting or offering violence to the landlord or his agent, it is the duty of the Land League to see that that person who is charged with the offence shall get a fair trial." That is always right—to get a fair trial. "What is the good of a man shooting a landlord? First of all the Government offers an enormous reward: for a large sum of money some one may commit perjury against one for whom a grudge may be felt, or against whom there is no cause of suspicion but of the very vaguest kind, may take place. Then the police take care that, if they hear anything of a suspicious nature, they bring him before the magistrates, and take care, if anything is in favour of the prisoner at the bar, it shall be suppressed. Then, again, the magistrates who hear the case are all partisans against the prisoner at the bar, and in favour of their own class. Then, again, if any case whatever is made against the prisoner, and he is sent forward for trial at the Assizes." Now listen to this. "The Government take care to pack the jury, they bring down the ablest counsel at the bar, who try, if possible, to twist any little . . . . . at their command for the means of bringing about a conviction." Gentlemen, that is a shocking speech—a speech, give me leave to say, gentlemen, that the speaker when he was expressing these sentiments to a great crowd, to an excited crowd, I don't hesitate for a moment to say that he must have known it was untrue. If there is a country in the world in which justice is fairly administered in criminal trials, it is in this country of Ireland; and give me leave to say that all the advantages in the criminal trials here are—as they ought to be—on the side of the accused, and alterations which have recently taken place in the law have served to give furtherance and effect to that. You have seen it in the very case we are at present trying here to-day. You recollect that in the early stage of this case eighteen men had been brought into court from whom a jury was to be selected. The prosecutor had no right to set aside or peremptorily challenge any one of these, but he yielded to the accused the right which they claimed under the statute, they had the right to challenge six of them and they exercised that right, sparingly indeed—but in two instances they exercised that right. Give me leave to say, too, gentlemen, that the criminal law of this country is not made against the people or administered against them, but it is made for their protection and administered in mercy and humanity towards them, and it is a terrible and a shocking thing that one holding the position of a member of Parliament should go to address an excited mob at Castleisland, in the county of Kerry, and make use of the expressions which I have read from the speech. Gentlemen, Mr. Biggar spoke at Mullagh on the 12th December last. Speaking about persons taking farms, he says:—"And if this wicked person is impenitent, they may cease to buy and sell with him they may say, 'We think this man an enemy of society, and that society should hold no intercourse with him, directly or indirectly, of any sort, and thus the

pressure would become so great that this dishonest person would be brought to a sense of his wickedness, and be brought to join with his fellows, and act as he ought to do.' Then, in a case of a more frightfully wicked nature; cases in which a man has broken the Tenth Commandment, by coveting his neighbour's land, and has taken land over another person's head, why then you can visit him, not threaten him, of course, but at the same time you should reason with him, advise him to mend his ways, and give up the holding and reinstate the person who was unjustly evicted from that holding. These matters are very easily understood and very easily practised, and at the same time you can do it without using such threats as would bring you within the scope of the criminal law, and thus you can do so with perfect safety to yourselves and with enormous benefit to the community." He then again further said—"Now, I think you are perfectly justified in recommending the persons who herd the lands of large graziers to cease to act as herds on these lands." Gentlemen, I was going to comment on his observations in reference to the graziers in Meath and elsewhere. He says "These are things that really do not require any argument, and in these ways it would be made exceedingly uncomfortable and inconvenient for the landlord to keep his land in grass, and if this pressure were continually brought to bear upon him, the result would probably be, that in a very limited time he would think it more for his interest to let this land to human beings than keep it in its present state which is so injurious to us all. Well, now, I have pointed out to you some things that appeared to my mind with regard to this question, and I do not intend to say more than a very few words more to you, and they are these—that this Land League will be irresistible if all the people who are occupiers of land or nearly all the occupiers of land become members of it?" Well, gentlemen, you recollect too, that in another speech, one of the eleven speeches made by Mr. Biggar, you will recollect that speaking somewhere in Meath, he made special reference to the large grazing farms in that county, and called on the people to take means to prevent it, and calls on the herds to refuse to work on those grazing farms. Gentlemen, I have seen in some other speeches observations as to the difficulties experienced in meeting the competition of the American cattle trade, but here you have advice given to these parties to take steps with the view of securing the breaking up of those large grazing farms in Meath, by means of which only men can continue to compete with the American cattle trade. Gentlemen, I do not intend to comment on any of the other speeches of Mr. Biggar. I have read enough to show that if Mr. Parnell is a conspirator on the present occasion, that Mr. Biggar is deeply dyed in the same confederacy. Gentlemen, I take up now the case as regards Mr. Sexton, and I shall deal very shortly with him. I am dealing first with the case as regards the five traversers who are Members of Parliament. Mr. Sexton was present at several meetings, and I have down on my notes reference to five which he attended. He spoke at Oulart on the 10th October, and the speech he delivered there might possibly be instructive to you and us, and the country at large. It was a very long speech, and it was said that he gave instructions that his counsel should read it in court as part of the proceedings at that meeting at Oulart on the 10th October. No portion of it was read by the Attorney-General, but it was read at great length afterwards. Then, gentlemen, he next appears at Bailieborough, in Cavan, on the 21st October, along with Mr. Biggar. I may observe, gentlemen, that you are at liberty to read the long speech

he delivered at Oulart, and the whole of his speeches, if you can find anything in them as regards the conduct of Mr. Sexton that qualifies his participation in this agreement or confederacy which is alleged against him. In the speech to which I was about referring, and which he delivered at Bailieborough, Mr. Sexton is reported amongst other things to have said, (nearly the whole of the speech was read to you), but amongst other things he is reported to have said—Now the resolution says :—"That we pledge ourselves not to take a farm from which a tenant has been evicted for non-payment of an unjust rent. Neither will we work upon such a farm, nor buy any stock or farm produce which may be sold for rent." That is, gentlemen, sold under an execution or distress for rent. He continues—"Now, unless you carry out this resolution you might as well stay sitting at home. You may resolve till the cows come home. You must do something else as well. You must, by practical action, show that your resolution says more than words. First of all, we say that the local branches of the Land League should consult together in these troublesome times, and agree what rent they will pay to their landlords." Here is a new feature introduced. First it was the Land League itself was to undertake the settlement of what rent was to be paid the landlords, then the tenants themselves were to determine what was a fair rent, and now it is the local branches of the Land League. He goes on "Let them offer this rent—it may be Griffith's valuation—offer whatever you can fairly pay. If the landlord will not have it, why you have no choice but to keep it. Let him, if he wishes, have recourse to law for his rights, and I can assure you, in every such case, the National Land League will be ready to give you liberal help from its funds. Well, if the tenant is turned out, it will be your duty to assist him. Then, next you must resolve that not one of you will take the farm—I do not care what the law officers of the Crown may say—that you will not, any of you, take the farm from which any man has been evicted ; and that you will not contribute to the help of that farm by buying any cattle from off it. There is one point upon which this resolution is silent, and I think it my duty to say that if any man be found among you to violate the rule which you have laid down—if any man be found who takes a farm from which another has been evicted—it is your duty, it is your right, to make evidenced the feeling which the action of that man caused in your minds. You have no idea. I am sure none of you would commit an outrage. Outrage hurts our cause. It may gratify the feelings of one man, but it raises the cry for coercion, and which may perhaps interfere with the progress of our movement, and do material hurt. Any man who violates the law which you have laid down, you must leave that man as lonely, in the midst of a populous town, as Robinson Crusoe was on the Island." And now, gentlemen, listen to this—" Remember these three rules :—First, that you will not take a farm from which anyone has been evicted ; second, that you will not buy the produce of such a farm ; and third, that you will not give countenance to any person who takes such a farm. And let me tell you, if you find in your towns any shopkeeper incurring the favour of the landlords, the people have a ready way of dealing with these people. There is no occasion for you to go into his shop to ask him to take down any of his goods." Well, gentlemen, at the same meeting just before Mr. Sexton, Mr. Biggar spoke, and I cannot forbear reading one of his sentences. He says—"That the Land League as a body want to do what is most beneficial, and they do not want any violence should be offered to the landlords."

Gentlemen, I would give honour to Mr. Biggar if his language ceased there; but what does he say, "Now one of the reasons is this, that persons who have undertaken to shoot landlords have missed the landlord and shot some one whom they did not intend." Gentlemen, that passage in his speech refers to an unfortunate event which had happened shortly previous, on the 16th October, the day before the Land League meeting was held at Bantry, on the 17th. An attack was made—an attempt was made to shoot Mr. Hutchins by an assassin who was lying in wait for him. Mr. Hutchins employed a man to drive him. Fortunately for himself, but unfortunately for the car-driver, Mr. Hutchins held the reins and drove the horse himself. The car-driver was shot dead—was murdered. No doubt it was to that Mr. Biggar alludes when he takes on himself to say that one reason for not shooting landlords is unfortunately that a mistake was made. Gentlemen, what I have said or read of Mr. Sexton, I think, is enough to show that he was not alone a leading member of this Land League, but whatever combination existed between himself and Mr. Parnell, if such combination did exist, and you have to determine that, he was steeped to the fullest extent in whatever that combination or conspiracy was. I think, gentlemen, I shall now deal with the case of Mr. T. D. Sullivan. I have already read a passage from one of his speeches, when he was the companion of Mr. Parnell. I regret to have read one of those speeches against him, and for this reason, gentlemen, that having critically examined Mr. T. D. Sullivan's speeches, I do not find in them one word which could be interpreted by the most ignorant as an incitement to commit an outrage. I do not mean to suggest for one moment that Mr. Parnell or any of his colleagues did intend to incite to outrage, I willingly acquit them of any such design, but, unfortunately, language occasionally uttered, especially at that meeting in October, held at Bantry, might be taken as an incentive to do violence to landlords or agents. But in Mr. T. D. Sullivan's speeches, I do not find a single word to put that interpretation on. Gentlemen, Mr. T. D. Sullivan is a leading member of this Land League. He is proprietor and editor of the *Nation* newspaper. There was put in evidence against him a very large number of articles and communications printed in the *Nation* newspaper, and which have been read. I will not advert to them, but you cannot doubt on reading these articles that he participated in the general design, whatever it was. Gentlemen, I have before me a speech made at Ennis, and I have already read that speech. He was present, gentlemen, at six meetings, and the only one I shall trouble you with is a speech represented to have been made by him at Parsonstown, Mr. Boyton, a co-defendant, being present on that occasion. It is a very long speech, and the entire of it was not read for the prosecution. I shall only take a passage from it—"Well, as long as that system is allowed to continue you never can bring down the rack rents of Ireland. A friend of mine, two or three days ago, made these lines:—

"The landlord is a tyrant,
The agent is a curse,
The bailiff is a nuisance,
The land-grabber is the worst."

This is supposed to represent the four classes. Mr. Macdonogh told you, gentlemen, that these were the real prosecutors, but that I take to be a little of Mr. Macdonogh's poetry. Mr. T. D. Sullivan goes on—"Now, my friends, what you have to do here in King's County, and what the Irish people have to do elsewhere, is to combine, to form yourselves into

branches of the Land League, to support each other. I heard yesterday as I came down here, I heard this statement made by a land agent: he said—'The tenants refused me to-day any rent higher than Griffith's valuation (hear, hear); but,' said he 'they will all sneak in one by one, by-and-by, and give me the rent' (laughter)." I believe, gentlemen, there is a considerable amount of sneaking in on the part of tenants, as Mr. Sullivan calls it, and paying the rent. That is doing it secretly and silently, lest the vengeance of the Land League should be brought to bear on them. "Now, if you are base enough and mean enough to betray each other in that sort of way, there is no help for you; you will be oppressed and rack-rented to the end, and your children after you will suffer the same hard fate, unless you act in a manly, an honourable, and an upright spirit towards one another; and after pledging your words what to do, you must abide by your words (cheers). If the rent is not an unjust one, and you have the money to pay it, say so at once. But, on the other hand, if you say it is an unjust rent, if you say it is out of proportion to what it ought to be, if you pledge your words to that to one another, then stand together, and let there be no under-currents amongst you; let there be no treachery amongst you; act like brothers to one another; and all the power of England cannot defeat you if you do so (cheers)." At the same meeting Mr. Boyton uses this phrase—alluding to what Mr. Sullivan told them—"You have the power not only to settle what shall be a fair and just rent, but if you knew it, you have the power to hold the land, and give no rent." Again, he says—"I call on you, men of the King's County and North Tipperary, to pledge yourselves solemnly before God and your clergy, and side by side with your fellow-countrymen, never to take the land from which your neighbour has been evicted for non-payment of an unjust rent (cries of 'Never.') Never to purchase or bid for cattle or crops seized for rent (cries of 'Never.') Never to purchase grass lands that are the property of a landlord having evicted the tenant." Gentlemen, the force and potency of that is—and Mr. T. D. Sullivan made a second speech after Mr. Boyton—the force and potency of it is that Mr. Sullivan is as responsible for that as if he pronounced or uttered the words himself. It is for you to say whether or no Mr. T. D. Sullivan is a party to the combination or conspiracy which the Attorney-General represents to have existed. Gentlemen, my brother Barry points out to me that probably I would not be able to finish my observations this evening, and we would be unwilling to send you to consider your verdict at a late hour. Probably, in that view, if it is your desire, it might be better to adjourn until to-morrow.

A *Juror*.—We think so, my lord.

Mr. Justice FITZGERALD.—Then, gentlemen, I will ask you to assemble in the morning at ten o'clock.

A *Juror*.—That would be too early.

Mr. Justice FITZGERALD.—Would you prefer eleven o'clock?

Mr. *Macdonogh*—If your lordships please, say eleven o'clock.

Mr. Justice FITZGERALD—The observations I have to make on the evidence as to ejectments would be compendious; indeed, I see no difficulty in closing my observations on the whole case early to-morrow.

The court then adjourned until eleven o'clock.

TWENTIETH DAY—TUESDAY, JANUARY 25, 1881.

The Court sat at ten minutes past eleven o'clock.

Mr. Justice FITZGERALD, resuming his address to the jury, said—Now, gentlemen, at the time we separated yesterday, I had concluded the observations I intended to make upon the case as it affected four of the five members of Parliament who are defendants in the case before us. We have now to deal with the remaining one, namely, Mr. Dillon, and I confess that when his name comes before me, I make any observations that may bear hardly upon him with very great regret. I knew his honoured father and his admirable mother, and I have observed him from his earliest childhood. We know he is young in life, that he has suffered from some very severe bereavements; and I have no doubt whatever that what he has said he has thought—that is, that he spoke as he thought, and that he entertained the opinions honestly to which he gave expression. But all that renders his violent language the more dangerous. However, gentlemen, I shall deal very shortly with the case as against Mr. Dillon. He has attended fifteen of these provincial meetings, made speeches at all of them—all characterized by extreme openness—the absence of anything like caution, and the boldest expression of very dangerous opinions. Gentlemen, the only one which I would just advert to is a sample of the others. I take one only out of fifteen. It is a speech alleged to have been made at Hollyford, on the 17th October, last year. It commences by telling what they had been preaching throughout all Ireland, and he says that—"The Irish land belongs to the Irish people, that it has been taken from them by fraud and force, and that the men of Ireland are determined to take back the land of their fathers." That, gentlemen, is not to reform the law; it means a revolution. Again he says, "It is a cause which the Irish Nationalist can go into, because its object is to break down and defeat the English garrison which holds this country for England. Its object is to clear the path for Irish Nationality by emancipating all the people of Ireland from the control of English landlordism, and settling them in their own homes as free men." And again he says "Now what is it that we propose to the people of Tipperary? That they are to defend themselves against eviction, to reduce rack-rents, and in the end become possessors of their farms." All these objects are to be achieved, if at all, by constitutional action. "We propose to carry out all this by strict organization—not by meetings, not by making speeches, and least of all by rushing to Parliamentary representatives. You must do it by organizing yourselves—by the tenants on each estate organizing themselves, and agreeing and pledging each other to act together. You must meet on each estate and come to an agreement as to what you can fairly pay. Then go in a body to the landlord and say, 'This much we will pay and no more.' You must say to him—'Then, if you will not take this, and give us a clear receipt for all the rent due up to last gale day, we won't give you anything at all.' Now, assume that he serves all the tenants with notices of eviction, then comes the test whether the Irish people are men at all or women. Because if they are men they will stand together, and will not be put down. You must stand together, and not allow any man or two men to be crushed. You must all go in the same boat, and sink or swim together; and if a landlord attempts to clear the whole of his

estate let him, and we will build little cottages round about the borders of the estate. If you stick together, I don't believe any man will be found brave enough to come in and take possession of your farms. When any man is evicted unjustly—that is, after the Land League have declared that it is unjust to evict him—what are you to do with his farm? Turn it into what we call a model farm — a farm on which no living thing can grow. The object of that model farm will be to warn landlords not to go on with evictions." He then says—"Now, the doctrine which the Land League teaches is this, that the landlords have had it in their power for eighty years to fix the rents at their free will, and that is not just. Now, the Land League, with your help, is going to take that business into their own hands." You recollect what I read yesterday, gentlemen—that one of these gentlemen boasted that he had not enough land to sod a lark. "We mean to fix the rents in Ireland for the next year, and we will fix them at a fairer value than the landlords did. We will be ready—always ready—to submit to fair terms and an impartial tribunal to arbitrate between landlord and tenant, but until the landlords consent to that let the Irish farmers fix their own rents, and pay no more than what they consider to be just." "The English Parliament"—he says at another part of his speech which was read for the defendants—"is a Parliament of landlords, and even if Mr. Forster wished well to the Irish people the English Parliament would not allow him to do justice to the Irish tenant. Not until you have brought your power to coerce the Irish landlord in Ireland, and make him submit to justice, by your organization and determination, until you have impaired that power, and reduced his rents and made him anxious for a settlement of the Irish Land question, you never will get the settlement." Gentlemen, I can only say that Mr. Dillon's speeches are all of a similar character, and they are fifteen in number. Gentlemen, I have now to deal with another person who represents a class—I mean the class who represent what are called the "office holders" of the League. Mr. Boyton, whom I have got to deal with, is one of those; and I think he is the person I have heard called all through the organiser of the Land League. I do not know exactly what his office is. Something has been said about paid officers of the League. We have no evidence before us that any of those gentlemen were paid officers, but I must say that some of them have spoken so much, and so often, and so diffusely, that one cannot help suspecting that they were paid for their exertions. Mr. Boyton attended no less than twenty-two League meetings—provincial meetings. He also attended almost all the meetings of the League held in Dublin, which are to be found in the papers read—the *Nation*. But he attended twenty-two provincial meetings, commencing on May the 30th, and ending on—the last I have taken down is about the 27th November—and in that period he attended no less than twenty-two League meetings. He spoke at all of them, and at some of those meetings made as many as three speeches. He appears to have a great command of language and to be a man of considerable ability; and certainly the doctrines he preaches are of the most dangerous character, because if his words are to be carried out to their legitimate and proper conclusions—if his words mean what they express—then, gentlemen, that conclusion would be, not a reform of the land laws, but the establishment of a Communistic Republic. Gentlemen, Mr. Boyton commenced at Dunmanway on the 19th of May, and that is the speech in which he addressed the people of Cork county as "Men of rebel Cork," and he propounded at that meeting

in full the principles of the Land League. He again attends at Cloneen, on the 19th of June, where he tells them they are never to take land from which a tenant has been evicted, no matter whether it be for non-payment of rent, or whether it be surrendered because the tenant was not able to keep his engagements. At Newtown, again, he says, "You are to bind yourselves together for the total extinction of landlordism"; and at this meeting it is important to observe that he says, 'My position here is as the representative of the illustrious Charles Stewart Parnell."' That is also the meeting at which he told the people, "To rescue themselves from the infamous touch of the vilest Government that ever cursed the earth." He adds, "We will never stop until we have wiped away that infamous system of landlordism off the face of the earth." That speech was made on the 13th of June. That speech was made when the Disturbance Bill was before the House of Commons—before it had passed the Commons—before it had reached the House of Lords; and yet we have been told here over and over that this extreme agitation has been caused by the rejection of the Disturbance Bill. At Monasterevan, he attends on the 20th of June. It is there he tells them, "My help and the help of my friends"—that is "My friends of the Land League"—"Are with you to assist you as far as £20,000 or £30,000." Gentlemen, there is one meeting more which Mr. Boyton attended, and to which I think it necessary from its importance to advert—it is the only remaining one I shall advert to. That meeting was at Athy on the 10th of October last. At that meeting Redpath's letter was read. I shall not read it to you again, it has been read already. At that meeting Dr. O'Neill made a very violent speech, indeed. But Mr. Boyton was preceded immediately by Mr. Richard Lalor, who is described as a member of Parliament—I do not know exactly for what county or place, but I assume, as we find it here, that he is a member of Parliament. After commenting upon Dr. MacCabe's letter, he says—"Well, my friends, I did not come here to abuse the landlords at all. I said often, and will say now again, I believe if I were a landlord like them—I am a tenant farmer like yourselves, living by my industry—but I believe if I turned into a landlord that I would be as bad as the very worst of them." But the important passage I am now about to read, and I must say I have read with surprise and with something of indignation the words which I am now about to call your attention to, coming from the lips of one who is a member of the present Parliament, and very likely at present in his place there—"Mind you, they had this system of landlords all over Europe. In France, up to a few years ago, until the year 1793 they had the landlords there. Well, I suppose a great many of you heard of the French Revolution. The French people were a sensitive people, and they took a method of getting rid of their landlords that, unfortunately, we cannot take. No, my friends, we are not able at present to take the method that they took. I wish we were." You will recollect that at other places the method they took is represented to be twenty yards of rope, "I wish we were, and it is not here I would be to-day. No, we are not able, but we must take other methods." Again he says—"We pledged the people not to take the farm, and there happened to be a black cloud over it that day, and the black cloud hangs over it still, and will until he goes back into it again himself." Such, gentlemen, are the topics which I thought it necessary to advert to from the speech of a Member of Parliament. He is followed immediately by Mr. Boyton, who addresses the meeting, and after some preliminary observations, he says—"They had come there not to listen to speeching and spouting and eloquence." I have said some-

thing upon that myself, gentlemen. But he advises them to work and to organize, and, he says—"He had come to teach them to work and to organize, and to teach them the way Charles Stewart Parnell and his followers want the land question settled; and that is not on the floor of St. James's." He then proceeds to advert to Mr. Lalor's speech, and you see this makes him responsible for everything Mr. Lalor said—"My good and esteemed friend, Mr. Lalor." He then goes on, commenting on his speech—"I want every man here to-day to remember what your brothers in Tipperary are doing. They are standing together, and wherever acts of landlord oppression come up they tell the tenant, 'let them put you out, we will put you in again; let them put you out again, we will put you in again; ay, and again and again; and let them, if they dare, see the man that will come there and touch a blade of grass on your land.' I tell you that it is not by crimes of violence that the people of the south riding of Tipperary to-day are enabled to, if we give them the word, strike against the payment of all rent. It is not because they have always been fond of shooting a bad landlord in Tipperary that they are in their present position. It is rather because, with their clergy at their head, they are standing face to face with the hereditary enemy of Ireland—landlordism—its worst weapon; and telling them come here to Tipperary and do your worst. We will show you how we will settle the land question." By making model farms! "Already a dozen model farms exist in the county Tipperary." A model farm has been explained elsewhere to be a farm on which no living thing can go. "They are model farms because they are standing there a living witness that the landlord dare not till the land, and cannot get a living man to strike a spade or plough in it, and he dare not, he is too cowardly to go there and till it himself. What has brought about this condition of things. Intelligent organization, organization without which this meeting, and all such meetings, will be worthless, and the excitement and the enthusiasm of the time will pass away, just as these men to-morrow will take down these flags and this platform, and it will all vanish, and the land grabbers, and the would-be land thieves who are here among you will go back to their evil, devilish work of propping up landlordism by taking land." "We must," again he says, "Destroy the land-grabbing in Kildare, and I tell you now, had I been in possession of the facts, the whole facts of the evictions that have taken place here two months ago, these evictions would never have been carried out as they were (cheers). If these people have been thrust from their homesteads created by their honest industry, if there is wrong or injustice in their case, I shall particularly call upon every man here at this meeting to-day to hold up and place a protest against the unjust evictions, I shall call upon him by his soul to say that no wretch be found base enough to take that land or occupy it" (cheers). Now listen to this—On a public platform, Mr. Boyton publicly proclaims that "the lands of the Vereschoyle estate are those from which these people were evicted, and I say that the man who takes that I will hold an indignation meeting at his door if he were the Lord Duke of Leinster himself. I will teach him a lesson that has been taught his base, vile, miscreant class throughout Ireland. It is not the landlord, mark you, it is the men that the landlord that thrust these people out that he would have to step in and take their place. In the portion of Tipperary I refer to has been organized there is no living man would even dare to think of taking a farm from which his neighbour has been thrust out, in fact, under no circumstances there to-day would a man take a farm from which another

had been evicted, justly or unjustly"—whether evicted justly or unjustly! And that was in Mr. Boyton's estimation, and he proclaims it to be "a healthy sentiment"!—"I think that is a healthy sentiment, and I think we have a healthy sentiment in Kildare, where we have the Leinsters, the Burrowes, the Latouches, the Verschoyles, and all the other land thieves of Ireland (cheers). Now, speaking of land thieves, you will remember what my good friend, Mr. Lalor, told you about the delegation of landlords to the Lord Lieutenant at ten minutes' notice, and I should like to see the representation that this meeting would send there to be received by Earl Cowper at ten minutes' notice in the 'presence chamber.'" I need not tell you the resolution was carried *nemine contradiscente*. Now, gentlemen, it has been said in the course of this case that these alleged conspirators put themselves above the law, and took it into their own hands, and assumed a large portion of the government of the country; and does not this speech amply prove it? It has been the proud boast of the law of England that the humblest officer of the law, clothed with its authority, is received with respect and is obeyed in the execution of that law. But, according to the teachings I have now read to you, Mr. Boyton is above that law. He calls upon the people again and again to disobey it. He puts himself entirely above that law and appears to consider himself superior to the dominion of law in this country. Gentlemen, another of the defendants, who is also an office holder, is Mr. M. M. O'Sullivan. He attended fourteen meetings. He appears to be just as diffuse—for I have marked one or two instances in which he made two or three speeches. He is just as diffuse as Mr. Boyton, and expressed himself at all those meetings in language which is not charged with the same spirit of Communism, but which, in reference to the present proceeding, is as dangerous, and tends, if you put the interpretation upon it which his language seems to bear, also to support the allegations of the Public Prosecutor in the present case. Gentlemen, from those fourteen speeches I have also selected but one, and that is at the meeting held at Clonakilty, on the 29th August, 1880. It is one of those meetings reported by Mr. Jeremiah Stringer, and is subject to the observation which has been addressed to you, and in which I coincide—"I may tell him now," he says, "with your advice to go back and report the proceedings to his Government, and to tell them that every man here is determined never to take a farm from which another has been evicted; that they are determined that house and land shall be uninhabited while birds fly and grass grows, unless its rightful owner is sent back into it." That is, the former occupier—until he is sent back. "We want you," he adds, "to become united under the Irish National Land League. You know its objects." He then states the objects—"first to free the land from its curse, to free the land from that power which desolated your homes and which ruined your families." These are the objects of the Land League. The object is that the people will pledge themselves, "in case a tenant is evicted, that the people will pledge themselves never to take that farm, never to work upon it, never to buy the goods sold for rent ('Never'), and then if the landlord evicts a tenant, if you are united, why the farm is useless to him, if there are crops upon it, why he will not get anyone to labour to cut the crops; he may if he wishes reap the grass himself, his sons, and his daughters, and do an honest day's work. Let them then cease from seeking for land. Well, the sheriff puts them up, but there is no buyer, and what is he to get for the rent? Then, do you not see your power if you are united." Gentlemen, I read that in connexion with a document

which had also been read from the *Nation* of the 16th October, and I adopt it as showing how this work of social excommunication was carried on.

A *Juror*.—What is the date of that, my lord?

Mr. Justice FITZGERALD.—October 16th. The *Nation* of that date says :—"The work of socially excommunicating persons who take evicted tenants' farms is being carried on with great thoroughness and success in various parts of the country. Thus in Limerick a few days ago a farmer who had sinned in the way referred to offered for sale in the market some butter and oats, but both merchants and brokers refused to transact any business with him. The consequence was that he had to bring his produce home, and on leaving the market he was groaned and hooted by a large crowd of farmers. We believe it is the same farmer who went to buy some bacon in Limerick, and when he told his name failed to induce the bacon merchants to sell him anything whatever. In Clare, again, a farmer has been made, for the same causes, such an outcast among his neighbours—they refusing to hold any intercourse with him or sell him the necessaries of life, and even going so far as to keep him out of the parish chapel on Sundays—that he has found his new position intolerable, and surrendered to the landlord the banned farm on which he cast his eyes in an unhappy moment." The writer adds, "Comment is needless." And I certainly think, gentlemen, comment is needless, for it speaks for itself. Gentlemen, I don't pause upon the speeches of Mr. Sheridan. He attended fifteen meetings, and made speeches at all of them, covering the same period. Mr. Sheridan, I believe—I don't know whether he is one of the officers, but he is described as a hotel-keeper in Tubbercurry. But in one of his speeches there is this remarkable passage—"When an eviction takes place let the people away to the chapel bells, let there be horns in every parish, let the men and women assemble and keep the people in their homesteads. We are the people. We are the nation. And are we to be trampled upon like worms?" I may observe that that is an expression you will find repeatedly in this case, both in the speeches reported and also in the speeches addressed to you from the Bar, that is—"We are the people," and "We are the Irish nation"—that is that the Land League are the people, and the Land League are the Irish nation. But they take care to exclude from the general appellation of the Irish nation all the classes that represent property, that have a stake in the community, and which represent, I may say pretty generally, the great mass of the educated classes of the country. Gentlemen, in another of Mr. Sheridan's speeches at Ballymote, on the 12th of December, he introduces another topic which bears upon one of issues you have to try. He speaks of the establishment of a Land League Court of Justice—a court for the determination of questions: and he says, "Any man who does not submit use on him the twig called 'Boycotting'"—that is that any man who does not bring his cause for determination by this Land League Court and submit to its decision, they were to use on him the twig called Boycotting. Amongst the speeches of Mr. Sheridan I think it necessary to advert to one more, that is the meeting held at Manorhamilton, on the 20th of August, 1880, at which Mr. Jasper Tully proposed a resolution, and he proposed amongst other things that what they wanted was a division of the land among the masses of the people. That is a redistribution of what is called the representation of all the property of the country. He says :—"This cause will not be fought in Parliament; Parliament will be of little use until you put yourselves in such a position to dictate to Parliament.

Don't be waiting for leaders, this cause must be fought out on every hearthstone and hillside of this country. Fellow countrymen, we are bringing landlordism to its knees and we mean to choke it. We will cut off the supplies, and I hope you will do as the men of Roscommon did last Sunday, to pledge yourselves to pay no rent pending the solution of this land question. We mean to starve the landlords into submission. Let the landlord evict any of you; who will take your farm? Let him seize your goods, who will buy? nobody, you have the landlords at your mercy if you are only organised. The landlords have been unreasonable; we mean to meet them with their own weapons and starve them out." And following Mr. Jasper Tully's remarkable speech, Mr. Sheridan addresses the meeting, and tells them, "It is absolutely necessary to act like one man in this business. If on a property one man goes and pays his rent and two men stop at home, that is not the way to do it. Let no man pay any rent until the Imperial Parliament says what you are to do. You are already mulcted out of rents which your land was not worth; you have been robbed by a band of land thieves. You improved their properties while they take away your hard earnings and spend them, God knows how. If a neighbour was evicted there were too many of you to go behind his back and look for his holding; but the day is gone for land grabbing. Anywhere a landlord evicts a man from his home, let no man dare to herd it. If any wretch should be low enough to do so, whether it be at the church or chapel, point the finger of scorn at him and bring him into contempt; cry shame at him and point him out to everyone as an unclean animal." Mr. Brennan attended thirteen meetings from the time he attended at the meeting in the Park to the 5th of December, 1880, and his language is equally diffuse, violent, and extreme. He called upon them to strike against all rent. That is so far back as the 23rd of May. "To strike against all rent until the question is settled." And at that point Kettle adds to it an exclamation of his—"Right, unite and pull down that accursed institution, landlordism." Then, again at Ballinlough, on the 17th of June, he calls upon them to come forward and record a solemn vow that land evicted shall remain tenantless until the former occupier is restored. Again he says—"Any man who pays an unjust rent, whether he can afford it or not, is an enemy to his country." That is, even if a wealthy man, for his own convenience taking land, offering a high price for it, and pays his rent, whether he can afford it or not, is an enemy to his country. I shall only, however, read an extract from one special at Roscahill, on the 14th of November, 1880:—"The landlords think they are very badly off if they do not get enough of champagne, but they never think of you whose sweat draws forth all the fruits of the earth, whether you have enough of Indian meal. Some of the landlords, I believe, are in a bad state enough, they are finding it very hard to live, if they are let them go and work as you are working, let them till the soil that they call theirs, and then perhaps we will be prepared to recognize that they have established some claim to its ownership. The landlords are beginning to feel that there is a check in their headlong career, and if there is any justice on this side of the grave they will be made to feel the weight of all their crimes. The blood of the murdered millions of our race cries to Heaven for vengeance (cheers). As I think to-day upon what landlordism has done, of the homes it has laid desolate, of the hearts it has broken, and the souls it has damned, where are the many poor innocent Irish girls, once the light and pride of happy homes, which it has driven to a life of sin? (Hear, hear.) And this is the

institution in defence of which some ministers of religion are found to raise their voice. When I think of these things I ask myself and ask you what compensation are Irish landlords entitled to?" Of course the answer is "Nothing." Mr. Brennan proceeds—"When I advocate the programme of the Land League, and ask you to adopt it, I do injustice to my own feelings, for I believe the compensation most Irish landlords would be entitled to would be a prison or a rope." Gentlemen, I shall deal with Mr. Harris and Mr. Walsh together. I should say first that Harris attended eleven meetings, and spoke at each of them. I shall read an extract from one of his speeches—it is a fair sample of the whole eleven. Who Harris is I really don't know. I think he is not a resident of Dublin; but undoubtedly he is a leading member of this organization called the Irish National Land League, and his speeches are somewhat remarkable for the extreme violence of the language which he occasionally indulges in. Gentlemen, in one of his speeches, made at Kiltoom, he gave a description of Mr. Sebastian Nolan, whoever he is, as "the worst man he had ever known, the worst agent, and the greatest scoundrel in the west of Ireland is Sebastian Nolan who was fired at." Now, I refer to that because it has been suggested in the course of the case, and there was some heat and excitement upon the subject;—it was suggested that there was some want of good taste in the Attorney-General stating and proof being given afterwards of that speech. Now, I must say that the Attorney-General would not have performed his duty if he did not call attention to this language. I do not know Mr. Sebastian Nolan—I saw him but once as a witness on the table here, and he appeared, in manner at least, a gentleman of mild character, and from whom no one would expect any act of cruelty. None, at least, has been proved. Mr. Harris might have gone into any evidence to prove the truth of that statement if he chose. But no such evidence was given. If Mr. Sebastian Nolan had been guilty of any cruel or scandalous conduct evidence to support the statement could have been given—but no attempt was made to do so. All I know of Mr. Nolan is that he is a gentleman of ancient and distinguished family—I know that he has a very distinguished brother, distinguished as a soldier and a senator—and it is a shocking state of things indeed that a man like this Harris, whoever he is, is at liberty, in such language, to hold him up to public execration. Mr. Sebastian Nolan was fired at, and it may be that the hearers of such a speech may have looked at it, whether Harris intended it or not, as an incitement to repeat the effort to assassinate him, and to take his life. The speech I was about to advert to is one of the 1st of August, 1880, at Frenchpark, in which he says—and it is upon this I say that he is a member of the Land League, and a leading member, for he says—"Well, I am happy to see that the people are realizing these things. They are feeling the necessity of combined action, and I hope the time is not far distant when the people will be so united that when the bailiff or when the sheriff—(groans, and cries of 'Down with them")—or when the landlord come to dispossess the poor industrious person from his holding, which according to all the laws of justice and humanity and morality, he has a better right to than the landlord . . . the people throughout the country will all rise like one man, that signal fires will make their appearance on the hill-top, and that every man in the vast area will come together in thousands and tens of thousands, and say to the landlord—'You can go no further.' This man is our brother—this man is our neighbour—this man has a better right to the earth than the extravagant landlord, and we shall not allow this man to be disturbed—we shall not

allow one hair of his head to be disturbed—we shall not allow his farm to be taken from him—we shall not allow his children to be thrown out on the world—we shall not allow his aged father to be driven upon the mercy of the waves—(great cheering, and cries of 'Never')—by any tyrant, no matter who he is." Now, gentlemen, Mr. Walsh is also a leading member of the League. He has attended not less than thirteen meetings. He appears to be a native of Mayo, but we find him speaking all over the country. His speeches commence on the 13th of June—at least that is the first date I have on my book, and the last is Bantry, the one that I have adverted to before, at Bantry, on the 17th of October. He speaks at one at Shrule, on the 20th of June, at which Gordon was present, and following him he says:—"The land, as Mr. Gordon has told you, is yours if you will only stick to the truth of that your cause is a just one, and must ultimately succeed. And, fellow-countrymen, I wish to tell you that you should not place too much reliance on other people to do your own work. It is all very well for you to write to the Land League to send down a deputation here. I am proud of having an opportunity of attending here from that body. It is all very well to expect measures from an alien Parliament, from the Government granting measures which you will never get, and never have, except you extract them from them like drops of blood; and if you do not stand to yourselves it is foolish for you to depend on us. Let your rallying cry be ourselves alone. Stick shoulder to shoulder, and if there be amongst you any man who has acted the part of the traitor, who has taken land from which another has been evicted, you know what you have been told over and over, not to speak to him, not to recognise him, to look upon him with scorn, and treat him as an enemy of your country." Again he says—"I have heard people speak of good landlords. I have never yet seen one. Say to the landlords, 'We have made up our minds to pay no rents until the man is restored to his farm.'" Again, at Kintullagh, Co. Galway, on the 12th of August, he says—"Assist in wiping out landlordism root and branch. Landlordism is the sum of all that is felonious." And the speech I particularly advert to is one made at Dooleague on the 18th of July, 1880—"I have to ask more than cheers from you, for all the cheering you could do until the"—end of time, I suppose it is—"are of little avail unless you are determined to work in this great cause. The terms of the resolution you have heard ask you to pledge yourselves not to take the land from which any of your neighbours have been evicted. From all the platforms throughout the length and breadth of the country a resolution like this has been proposed, and it has been manfully stood by. The land of the evicted farms is still left untenanted, and should there be anybody mean enough to take those farms I also appeal to you in the name of Ireland to stand together like one man and point out with scorn any man who will be guilty of such an act. I will go further, that you will not speak to that man, or that you will not sit at the one side of the church with him, in fact, that you will look upon him as the enemy of the Irish race. The Irish National Land League is determined to carry on this land war until we succeed in abolishing landlordism, root and branch, from the country." Gentlemen, that speech was spoken on July the 18th, some weeks before the Lords had rejected the Disturbance—what has been called the Disturbance Bill. Gentlemen, I referred to speeches of Gordon. He certainly also attended a number of these meetings, but I shall only read a passage from one of them, and it is to read his commentary upon the Disturbance Bill, and Gentlemen, if there were wanting any excuse

at all for the House of Lords to hesitate about passing this Bill, it was afforded by Mr. Gordon in his commentary upon it, if they ever read it, which I doubt if they ever did. However, Mr Gordon tells you at Miltown, on the 25th of July—if my memory does not deceive me, the Disturbance Bill was not rejected until sometime in August—I don't know exactly the time. This speech was pronounced after it had passed the Commons. After saying, "Don't buy or sell with that man," or in other words to "Boycott" him, he says, "That Bill will be made law"—that is the Disturbance Bill, it had passed the Commons—"It will give you time—you need not pay a farthing for three years to the landlord, and if the landlord evicts you he will have to give you seven years' compensation." So that according to Gordon's view of the operation of the Land Bill, it was that you need not pay anything for three years, and then if the landlord evicts you, you will be entitled to seven years' compensation. Gentlemen, I have only now to deal with the case of Mr. Egan. He is, I believe, an able man. He is the treasurer; he is the Chancellor of the Exchequer of this organization (laughter); he holds the purse, and you may judge that is the most important of all. His activity has been very great, indeed; but he is not, so far as we can see, an orator. His speeches are short and go to the point. Gentlemen, you can have no doubt that if the other defendants whom I have adverted to, have committed a breach of the law, so has Mr. Egan. You find him from the time of the Park meeting, as the active treasurer of this League, carrying on its operations, present at every meeting in Dublin, and making short speeches at them. Gentlemen, it is only necessary to refer to him very shortly. At a meeting of the League which we find reported in the *Nation* of the 23rd of October, a sum of £10 was voted—Mr. Egan was present—to some tenants of Archdeacon Bland, with the pregnant remark that the tenants had retaken possession. After having retaken possession of the farms from which they had been evicted, £10 was voted to them. Again, at that meeting, Mr. Parnell was represented to have said—there was a discussion as to how much the tenants ought to pay, but the dictator comes in and he says—"He thought the question of how much the tenants could afford to pay should he left to the local branches, it would depend so much on the circumstances of each case. That would give the local branches a good field for work. Whatever decision the local branches came to in reference to the amount of rent to be offered, he thought it would be the duty of the Central League to support." Then a grant of £15 was made for the relief of parties convicted of assaulting process-servers at Westport. At that meeting Mr. Egan is reported to have made a short observation—"It was a mistake," he said, and this is very sound advice—"it was a mistake to spend their money fighting law quibbles. All they could do was to relieve evicted tenants and to create such a state of feeling in the country as would prevent any man from taking a farm from which another had been evicted, or buying anything of which a tenant had been deprived under a Sheriff's decree." And now, gentlemen, I have only to refer to the speeches of Gordon, of which I have read something already, and of Nally, and I take them together. It had been put to you, and put to you fairly, that you ought not to come to the conclusion that Mr. Parnell and, at least, his Parliamentary co-defendants ever conspired with Gordon and Nally; and I think it was said to you fairly that you ought not to charge these defendants with the abominable language which has been represented to be used by Nally. Nally attended thirteen or fourteen or fifteen meetings, I don't know how many altogether,

but I think those observations are well founded and that you ought not to prejudice the other defendants by the language ascribed to Nally. But I have to point out to you that it is not necessary for you to assume that from the commencement either Mr. Parnell or either of his associates conspired together, that is, put their heads together or conspired or combined together with Nally and Gordon. But unfortunately, gentlemen, they have been used as the instruments of this League. At many of the meetings at which they attended and spoke, several members of the League were present. At several of them Mr. Gordon moved resolutions, at others Mr. Nally moved resolutions, but it is not at all necessary that you should suppose that it ever entered into the mind of Parnell, or Dillon, or Sullivan, or of Sexton, or of Biggar, to combine with Nally and Gordon, and the mode to deal with their case is this: If you come to the conclusion that Parnell and the other defendants, excluding Nally and Gordon, did enter into this combination, which from this bench we have pronounced illegal, and are guilty of an illegal combination, then the mode to deal with Gordon and Nally's case is this. That if seeing this movement going on they themselves joined in it and adopted it; from the moment they joined in it and adopted it they became co-conspirators, and they are chargeable for the acts of the other co-defendants. Therefore, gentlemen, it is not necessary for you to come to any such conclusion as that Parnell conspired with Nally, but you may come to the conclusion that Nally, seeing this movement going on, seeing its object, hearing it expressed in his presence, adopted it, took it up as his own, and acted in furtherance of the common purpose—if he did so he becomes responsible, and is equally a conspirator with the others. Now, gentlemen, the extracts from the evidence which I have read to you are but a sample from one great mass which is before you. You will not fail to perceive how amply they bear out the observations I made yesterday. They are not mere wild or chance words, or words of doubtful meaning, from which any uncertain inferences are to be drawn. They consist of speeches made and resolutions moved over and over again. The language is unmistakable and apparently free from doubt, and the speakers take care to inform the people that they come from the Land League deputed as their representatives. I have no doubt as to the objects they mean to accomplish. It was, therefore, that I said to you yesterday that the speeches at these various meetings do not consist of loose or wild language, but their true character is that they are overt acts, irresistibly leading you to the conclusion of the existence of some combination and the objects of the same combination. Gentlemen, Mr. Macdonogh, in the most laboured part of his very able address, indirectly conveyed to you the assertion that you were, in this case, the judges both of the law and the fact. At least, I guard myself by saying, I so understood his reference to the case of the Bishop of St. Asaph and other cases which arose on the law of seditious libel. A great constitutional question once arose on this question, finally settled, as we thought, by Fox's Libel Act, until the phantom of the former law was again called from its resting-place in Archbishop Cullen's case, which you all recollect. The law is, that in case of libel, the jury has not only to determine on the evidence the question of publication, but also whether the publication is or is not a libel—libel or no libel. Mixed question of law and fact is in such cases by Act of Parliament declaratory of the common law of the land. But, gentlemen, without disturbing or questioning that law I have to state for your instruction and guidance that it has no application to the present case. The

maxim of the law established from an early period is that it is the office of the judge to instruct and direct the jury on the law; it is the province of the jury to decide on all matters of fact, and with that province of yours I shall not attempt to interfere. It is therefore that now in my judicial office I instruct you in point of law, and inform you that you are to accept our exposition of the law as the law of the land. The matters of fact are entirely for your investigation and decision. I have again to repeat to you that if the evidence satisfies you that the allegations of fact contained in the several counts of the information, or in any of them, are true, then I inform you that the defendants have been guilty of a breach of the law, and you should find them guilty accordingly, or to put it more formally to you, if the evidence on the part of the prosecution has proved to your satisfaction that the defendants combined to incite tenant-farmers not to pay their rents, or not to pay more than Griffith's valuation, or if the evidence satisfies you that they combined to incite tenants to re-enter or retake possession, or if they combined to prevent persons taking or occupying farms from which another had been dispossessed for non-payment of rent, or to prevent the sale of goods taken in execution for rent, or if, for the purpose of achieving their objects they incited people to—I will state it briefly—"Boycott" those who had taken farms from which others had been evicted for non-payment of rent, or who had bought goods at a sheriff's sale—if the defendants combined for any or all of these purposes, then I tell you they have been guilty of a common breach of the law of the land, and you should find them guilty accordingly. This is your duty not mine. It is easy in such cases to tell the jury that they may convict some of the defendants and acquit others, but I purposely abstain from giving you any such direction, because I think that the defendants, twelve of them at least, stand upon an even footing, and it would be weak indeed if I were to attempt to distinguish the cases between them; either they all committed a breach of the law or they are all innocent. If they did commit a breach of the law, then it is your duty to convict them; but if not, then I recommend you to acquit the whole of them. Gentlemen, I have already disposed of the case of Nally and Gordon, and it seems to me that if you acquit the other twelve defendants, you should also acquit Nally and Gordon. Gentlemen of the jury, you have before you, as I said, a great mass of evidence—it is all in print. There seems to me to be no great difficulty in your examination of it or in your coming to a determination upon it. I tell you plainly and distinctly—to you and to you alone—the observations I have made on the facts are simply for your assistance; you may accept them or reject them—you are the real constitutional tribunal to try all matters of fact, and to you it belongs, and you may reject or accept them, as you think fit, according to your better judgment. But I recommend you in dealing with and in your examination of the evidence—I recommend you to approach your duty in that respect in a free, in a generous, and in a liberal spirit; do not allow yourselves to be carried away by the language of insult, of calumny, of vituperation, in which some or most of the defendants have thought fit to indulge; do not allow yourselves to be carried away by the consideration that words have been used by others that may have been understood by the people as exciting to crime; do not make Mr. Parnell or his associates responsible for the wild language of Nally and Gordon. Look at and examine the evidence with the sole view of ascertaining how far the defendants have combined for the purposes

alleged. Look at it in that view and in that view only: it is the only view in which you ought to contemplate it, whether it establishes to your satisfaction that the defendants have combined for the purposes alleged. If the proof falls short of that you should acquit the defendants, but if on the other hand it establishes that the defendants did combine as alleged, then they have committed an offence against the law of the land, and it will be your duty to say so by a verdict of guilty. I have now performed my duty without fear and without favour. I hope and expect, gentlemen, that you will perform yours, having a due regard to the sanctity of the oath which you have taken, and with the courage which springs from the consciousness of having performed your duty. Gentlemen, I have only one further observation to make. Do not suppose for a moment that I or my learned colleague wish to interfere with your proper privileges. It has been thrown out, or insinuated, or suggested that something would fall from the bench which might have the effect of influencing unduly the verdict of the jury. Such is not our intention. Do not suppose that I at least—and I assume that I can speak for my colleague—do not suppose that I wish to say a word from a feeling of hostility towards all or any of the defendants. Mr. Dillon is the only one of them I ever saw before, and it is curious enough that up to the present moment I am not conscious of even the personal appearance of Mr. Parnell. If he sat there in court, it was with his back to me, so that I am unacquainted with his personal appearance. So far from attempting to interfere with your proper privileges, I desire to uphold them, and I will read my view of this subject from the words of a great jurist and a great philosopher, and I adopt his language which I cannot equal in words of mine. "There is nothing, after all, so important to individuals as the upright administration of justice. This comes home to every man; life, liberty, reputation, property, all depend on this. No Government does its duty to the people, which does not make ample and stable provision for the exercise of this part of its powers. Nor is it enough, that there are courts which will deal justly with mere private questions. We look to the judicial tribunal for protection against illegal or unconstitutional acts, from whatever quarter they may proceed. The courts of law, independent judges, and enlightened juries, are citadels of popular liberty, as well as temples of private justice. The most essential rights connected with political liberty, are there canvassed, discussed, and maintained; and if it should at any time so happen that these rights should be invaded, there is no remedy but a reliance on the courts to protect and vindicate them." Gentlemen, I adopt every word of this passage, and now I conclude with but one observation. You have heard a great deal of patriotism in this case, but my patriotism is this—I wish and expect that we shall live to see the day when the sun will not shine upon any other country more happy, more prosperous, or more free than our own native land.

A Juror (Mr. Macken).—I want to ask one question. I took the liberty in the early part of the trial to ask a question with regard to the reporters. On each occasion in the speeches they reported, I saw one word very frequently, and that is the word "obstruction," and I would like to know when these obstructions or interruptions occurred, how long did they last?

Mr. Justice FITZGERALD.—I really cannot answer that question. I think you put the question when Sergeant Heron was speaking in reply, and it was too late to have any explanation. I really understood that what you wanted to ask was whether all the witnesses had been to the pantomime on the previous evening (laughter).

Sergeant *Heron.*—The word was "interruption."

Mr. Justice BARRY.—So I was going to say.

Mr. *Macken.*—"Interruption" and "obstruction" differ very little, my lord.

Mr. Justice FITZGERALD.—The Constable says that there were interruptions which prevented him from hearing further what had taken place, and he at the same time swears that the words which he gives were the words used by the speakers as a matter of fact.

Mr. *Macken.*—It is to Mr. Gurney's men that I am alluding.

Mr. Justice FITZGERALD.—Really, gentlemen, the interruptions where sentences were lost were so unusual in the case of Gurney's reporters, that it became a matter of no consequence.

Mr. *Macken.*—It appeared very frequently to me, my lord.

Mr. Justice FITZGERALD.—Give a copy of the issue paper and a copy of the information to the jury. Do you wish any of the papers read over to you; you can have the whole of them if you like?

Mr. *Crosby.*—I think, my lord, they have been too much read already.

The *Foreman.*—We would wish a copy of the whole of the speeches, my lord.

Mr. Justice FITZGERALD.—Certainly; in fact they will give you the whole of the speeches at each meeting; that will enable you in discussing the reports to see whether there is any importance in it.

Mr. *Macdonogh.*—It is the evidence will go to the jury. Of course we shall know what other documents will be sent in.

Mr. Justice FITZGERALD.—The officer will see that nothing goes to the jury except what I understand the jury to ask for: as the copies of the speeches at the provincial meetings, and one and two of the rules of the League. I mean they are marked on the book. Show Mr. Macdonogh what they are.

Mr. *Hopkins.*—I understand them to ask for the rules of the League.

Mr. Justice FITZGERALD.—They are marked on the top one and two. Show Mr. Macdonogh what you are giving them.

Sergeant *Heron.*—These are the speeches proved for the Crown.

Mr. *Dillon.*—They ought to be marked.

Mr. Justice FITZGERALD.—We must only go through it, and I will tell you what can be marked. Surely you can agree upon it.

Sergeant *Heron.*—Copies of these were given, my lord, to Mr. Dillon.

Mr. Justice FITZGERALD.—Surely you may trust the Attorney-General with them. You can give printed copies of these to Mr. Macdonogh.

Sergeant *Heron.*—Yes.

Mr. Justice BARRY.—The jury will be more enthusiastic than I should give them credit for if they read more than has been given to them.

Mr. *Curran.*—They should be marked copies. The copies for the Crown are marked.

Sergeant *Heron.*—They are not marked.

Mr. Justice FITZGERALD.—Just hand them in now.

Mr. Justice BARRY.—I marked the passages which were given in evidence for the Crown, and those given in evidence for the defence.

Mr. *Goodman.*—Mr. Dillon asks them to show this.

Mr. Justice BARRY.—They are not marked in any shape at all. They are plain printed copies, without any mark upon them.

(Copies of the speeches were then handed to Mr. Dillon who examined them.)

Mr. *Curran*.—I understand now from Mr. Ross that the speeches which were read are not in that parcel.

Sergeant *Heron*.—I consent to these being handed in.

Mr. *Curran*.—We have not got them.

Mr. Justice FITZGERALD.—We send in the one side, and we call upon you now to produce the other.

Mr. *Dillon*.—They were perfectly useless the way they were given.

Mr. Justice BARRY.—It may cause a little delay, but I can produce a copy of my own. It is marked in the margin what was given in evidence for the Crown, and what was given in by the defendants. That is the only marked copy, if you are satisfied to send that in.

The *Attorney-General*.—That will answer all purposes.

Mr. *Macdonogh*.—What I am anxious for is this, that the documents connected with the formation of the League which they ask for should be given to the jury.

Mr. Justice FITZGERALD.—I have told the jury. I think the jury had better retire, and then see what documents they want. We will send to Fitzwilliam-square for Judge Barry's documents. But if there is any document as regards the formation of the League, or anything you want, they shall be sent to you. Now, will you hand the issue paper to the jury.

Mr. *Macdonogh*.—I shall be perfectly satisfied to let these documents be handed in, provided I have sent in to the jury what they require—not only the rules, but the address of the Land League.

Sergeant *Heron*.—They did not ask for that.

Mr. *Macdonogh*.—I beg your pardon.

Mr. Justice FITZGERALD (to the jury).—You will retire, gentlemen, and tell us what you want.

(The jury retired at 12.25 p.m.)

Mr. *Macdonogh*.—May it please your lordships, I beg leave to draw your lordships' attention to a certain view which I submit varies from the very elaborate and learned charge of the learned judge, and I am sure his lordship, when he recollects there is no appeal from this Court (there is no appeal in criminal cases) that he will feel it proper and right to inform the jury that what they have been told by him—if there should be any error as to the instructions he gave to the jury, it could be set right by a superior Court, that in reality such an appeal would be virtually an appeal from your lordships to your lordships.

Mr. Justice FITZGERALD.—It would not be. You could bring it before four judges instead of two.

Mr. *Macdonogh*.—When Lord Eldon presided so long in the Court of Chancery, and also in the House of Lords, he said it was like appealing from Philip drunk to Philip sober, and no doubt it was an appeal to the very same judge.

Mr. Justice FITZGERALD.—No doubt the real direction is, that if the facts contained in the information are proved to be true, it would be an offence at common law. It really amounts to that, and it is only there you have an appeal.

Mr. *Macdonogh*.—That is on the record. "No appeal shall be from any Judge of the High Court in any criminal case or matter save from a case on the record."

Mr. Justice FITZGERALD.—Therefore, if I am wrong in that law ——

Mr. *Macdonogh*.—Allow me to remind your lordship as to your eloquent and able summary of the law, that it is because the law of

conspiracy appears to be really in so very vague a condition I take the liberty of calling your attention to what I will submit to you. I regret that the Judges in England don't appear to be settled or decided in their own minds as to what this vague law is. An indictment for conspiracy ought to show either that it was for an unlawful purpose or to effect a lawful purpose by unlawful means, but in the Queen *v.* Peck, 9 Adol. and Ell., 690, the learned judge, Lord Denman, says, "I do not think the antithesis very correct."

Mr. Justice FITZGERALD.—This was so thoroughly threshed and laid bare in the O'Connell case, that I do not think it is necessary now.

Mr. *Macdonogh.*—In the latest book on the subject the same vagueness is very much complained of—I refer to "Roscoe's Law of Evidence in Criminal Cases." "Notwithstanding the high authority on which this definition is founded, it is unsatisfactory, inasmuch as the word" unlawful, "upon which it turns, is ambiguous, and appears to be used in the definition in a sense in which it is nowhere else used. It does not mean 'criminal' for there are many cases in which a combination to do a thing is a crime, although the act itself, if done by an individual, would not be a crime. For instance, it is a crime to conspire to seduce a woman, though seduction itself is not a crime. On the other hand, 'unlawful' does not mean 'tortious,' for there are torts which it is not a crime to conspire to commit; as, for instance, an ordinary trespass. Nor, again, does any case go so far as to decide that a combination to commit a breach of contract is a conspiracy;" and again, "a combination to commit a civil injury is an indictable conspiracy in many, though it is impossible to say precisely in what cases." It is entirely, my lord, to your third statement in relation to conspiracy that I object.

Mr. Justice FITZGERALD.—That is a fair question to raise. The record raises it for you.

Mr. *Macdonogh.*—I fear, my lord, it does not.

Mr. Justice FITZGERALD.—I can raise it no other way. I have told the jury over and over again that in point of law, if they find the evidence satisfactory, and if the allegations contained in the information are well founded, that the defendants are guilty of a breach of the common law, and that they should find accordingly. Take my charge in any way and you will find it amounts to that.

Mr. *Macdonogh.*—Kindly remember it was to your third statement that my objection entirely applies, and I'll endeavour to show you that it was in vague language.

Mr. Justice FITZGERALD.—If the third statement is not correct in law with one exception, the counts in the indictment are bad, and it is open to an appeal—an appeal to the highest tribunal.

Mr. *Macdonogh.*—You see I am using prefatory language before I apply myself to the case.

Mr. Justice FITZGERALD.—I beg your pardon.

Mr. *Macdonogh.*—The vagueness of the second and third of these propositions leaves so broad a discretion in the hands of the judges, that it is hardly too much to say that plausible reasons may be found for declaring it to be a crime to combine to do almost anything which the judges regard as morally wrong, or politically, or socially dangerous. The power which the vagueness of the law of conspiracy puts into the hands of the judges, is something like the power which the vagueness of the law of libel puts into the hands of juries. The case of the law of conspiracy as it affects workmen who combine to raise their wages is a remarkable illustration of this," and my last prefatory observation will be upon that. Men, it was said, might of course refuse to work except at a certain rate

of wages per day, and when two or three of them agreed they were actually indicted, and in many instances most cruelly and summarily convicted. If a man omits to do a thing which is perfectly lawful to omit, and when two or three in the same trade say we will omit something, and only take a certain rate of wages, then it would be wise to see that the law is administered with the greatest possible strictness instead of with that vagueness which is very frequently done. It amounts to a monstrous injustice. Your lordship in your charge stated "that by the terms illegal and unlawful it was not intended to confine the definition to an act that would be in itself a crime; but the law embraces many cases in which an act if done by one only, would not be a criminal act; for instance, if a tenant withholds his rent, that is a violation of the right of the landlord to receive it. But it would not be criminal in the individual tenant, though it would be a violation of the right. If, however, two or more incited him to do that, their agreement so to incite him is, by the law of the land, conspiracy." One, at least, of the charges against the defendants is that they conspired for the purpose of forcibly taking possession of the land which the law had awarded to the landlord. Your lordship then proceeded to quote the opinions of Lord Justice Bramwell, Mr. Justice Wills and other authorities, on the law of conspiracy. Mr. Roscoe, in his book on Criminal Law, summed up the authorities. "All the authorities, in fact, come to this—that conspiracy is an agreement between two or more persons to do that which is unlawful," and your lordship said it is unlawful to agree to accomplish an injury to a third person or body of persons. It had been repeated often in the course of the case that there had been no proof given that the defendants ever met or became parties to any agreement or conspiracy, and that two of the defendants were not even members of the League at all. There is no necessity that there should be express proof of conspiracy, such as that the parties met and laid their heads together, and then and there actually and personally agreed to carry out a common purpose, nor was such proof usually attempted. It might be that the original conspirators had never seen each other and never corresponded, nay, one may never have heard the name of the other, yet by the law they might be parties to a common criminal offence. In the Fenian cases tried in this country it frequently happened, or sometimes happened, that one of the conspirators was in America and the other in this country. As remarkable a case as he ever met was that of two persons—one had been a captain of cavalry on the Southern side in the American service during the late war, and the other a captain on the Northern side; one a native of this country, the other a native-born American. They had been opposed to each other during the war, and had never seen each other. They were arrested at Queenstown. One had come to take command of a brigade of Fenian cavalry, and he had brought with him his whole equipment, saddle, pair of spurs, and a pair of long pistols. The other was returning to be a party to the Fenian confederacy. They were put upon trial upon the same indictment, and the first time they saw each other was when they stood face to face in the dock." I have read the whole of that because it leads to the objection which I most respectfully now put before you, namely, I think that when the third division of the heads of conspiracy which your lordship gave and enunciated to the jury, comes to be considered it amounts to this, that an innocent act, if agreed to be done by two or more persons, would virtually become a guilty conspiracy.

Mr. Justice FITZGERALD.—Certainly not. I laid down no such proposition.

Mr. *Macdonogh.*—I am sure you would not, my lord; but, my lord, it does really seem to be in this confused condition in which the law of conspiracy is, it would almost amount to that, and I think the jury may have been misled, not by what your lordship intended, but it appears to me that unquestionably there may exist some misapprehension on the case. And undoubtedly your lordship says, that men were convicted for an innocent act where two or more agreed as in the case of trades unionists, that they would not work except for certain wages till the law came in to their relief. Now, my lord, I beg leave to say that the inevitable result of what your lordship stated upon that subject would be this, that if men concerted together to commit a civil trespass that that would be conspiracy. And, my lords, I submit to your lordships that Lord Ellenborough's doctrine is right and that Chief Justice Campbell's decision when properly considered does not conflict with it and that it is not the law that parties can be indicted for conspiracy of a character to commit a civil trespass. Your lordships are familiar with the case of the King *v.* Turner (13 East). In the present indictment there is no charge of any conspiracy or any intention to injure an individual *eo nomine;* not at all. So the doctrine of private conspiracy against particular persons is wholly inapplicable to the present case. My lords, Lord Ellenborough says in 13th East, when reference was made to the King *v.* Spragge and others, 2nd Burr., 993—"That was a conspiracy to indict another of a capital crime; which no doubt is an offence. And the case of the King *v.* Eccles and others was considered as a conspiracy in restraint of trade, and so far a conspiracy to do an unlawful act affecting the public. But I should be sorry that the cases in conspiracy against individuals, which have gone far enough, should be pushed still further. I should be sorry to have it doubted whether persons agreeing to go and sport upon another's ground, in other words to commit a civil trespass, should be thereby in peril of an indictment for an offence which should subject them to infamous punishment." And a rule absolute to set aside the verdict was granted. No doubt it is reported that Lord Campbell expressed himself in the Queen *v.* Rowlands (17 Q. B., p. 686)—" And as to Turner's case, I have no doubt whatever that it was wrongly decided;" but he certainly gives no reason for that. On the contrary he immediately afterwards shows that under particular circumstances that might be an offence which would not be an offence if it merely rested on their intent to commit trespass. "Going into the prosecutor's close against his will armed with offensive weapons for the purpose of opposing any persons who should endeavour to apprehend, obstruct or prevent them would in itself be an indictable offence, and the conspiring to commit such an offence must be an indictable conspiracy." And then he does not dispute the proposition which was laid down by Lord Ellenborough, but he disputes the conclusion, and he clothes it with the circumstance of being armed with offensive weapons. And I agree at once that if two persons agree and concur to pass over the demesne of any individual with arms in their hands for the pursuit of game, but agree that if any person in care of the place should attempt to interfere with them they will use violence they thereby commit an offence, and that would be a proper subject of an indictment. But I insist that the commission of a civil trespass ought never to be regarded as forming a groundwork for an indictment for conspiracy; and to the present case it is highly inapplicable to apply those cases to which my learned friend the Attorney-General did simply and entirely refer, such as the Queen *v.*

Druitt (10th Cox's Criminal Cases, 593), that was an "indictment for conspiring, by unlawful ways, contrivances, and stratagems, to impoverish Henry Poole and others in their trade and business, and to restrain the freedom of trade and of personal action." And that was purely an individual indictment—very like the case of a family all living in the same house that did certain acts to the injury of another, placing improper substances in the trade machinery of the party, and thereby with intent to injure that individual. But these are wholly inapplicable, as I submit to the Court, to the present case; and a jury might, if they did not clearly and distinctly understand that your lordship did not mean to convey that an innocent act, if agreed to by two, would be a guilty conspiracy, they might fall into serious confusion upon this subject. I read a passage from your lordship's clear and admirable charge, in point of language and of diction highly unobjectionable; but it is my duty, of course, your lordship knows, respectfully to put before you anything which occurs to me in point of law, subject to the better judgment of your lordship and your colleague. My lord, I submit to your lordship that this is a point upon which there can be no difficulty in determining, as I think that there is now an error, and that is this:—What is this charge of conspiracy? The whole gist of it—the parties agreeing together. Mark the language used, that they "conspired, combined, confederated, and agreed together;" and in no single count of the indictment is any one of the words omitted. And the word "conspired," has a technical meaning, just as the word "murderavit" has in an indictment for murder. It will not do that he "killed him"—it must be that he "murdered him." So the indictment will not be good unless there is the word "conspiracy"—they "conspired, combined, confederated, and agreed together." That is what the jury are to find—to find an agreement that they were unanimous in the prosecution of the various means and devices expanded on the record. But they must find that agreement. That can be found in two ways. The first is—if you have evidence of the concert, that they met together; or, that if distant from each other, that they by writing communicated and mutually interchanged their sentiments and "conspired, confederated, and agreed together." That is what is to be found, which is the whole offence—not what is done afterwards. And here there is not a statement of an overt act done afterwards. That is one mode of proof. The other mode of proof is by circumstantial evidence. Of what kind? It is of one kind only—that those men each did substantially the same thing, animated by the same views, concurring in the same sentiments, no divergence of opinion, nor of mind; that they each and all concurred to reach a certain conclusion, and then a jury may infer from that community of purpose it is established. What may they infer? They must infer (or they must acquit the parties), that they had agreed together and combined together, and conspired together. And I submit to your lordships, with very great respect, that in that respect the charge of the learned judge is open to most serious objection. "There is no necessity (his lordship says) that there should be express proof of conspiracy, such as that the parties met and laid their heads together, and then and there actually agreed to carry out a common purpose." It might have been the conspirators had never met and never corresponded. But I humbly submit that leaves us all in a condition that no man's life is safe. Every innocent man in this court might be convicted if a man in India or America took up an idea the same as one of those innocent men, and both acted in the prosecution of that common idea. If the law be of that

character I submit there is no safety. I submit the jury are unwarranted in reaching the conclusion that they conspired, combined, confederated, and agreed together, unless there was an agreement of minds. In a civil action there must be the mutual consent to constitute the contract. And in the case of a criminal offence, where it consists in a combination, the jury must acquit the parties, unless they find that they had previously at some time mutually met and resolved and conspired, confederated and agreed together. I submit with very great respect that your lordship's charge is open to objection upon that ground. It is impossible to say that I should have redress on the record for that. There could be no redress for that, because your lordship's charge will not appear on the record. And I submit it to your lordship with very great respect that you should distinctly tell the jury that there are two modes of reaching the conclusion, but the conclusion is the same. It is like as in civil law, the contract as provable by express evidence or by implied contract; but it is a contract. So here there is a guilty agreement, a guilty conspiracy, to reach that criminal conclusion. The jury may find it by one or two modes of proof—direct proof, if there was a conspiracy, and an informer who sat at the board and heard the parties conspire. That is not this case—no proof whatever that these men, who openly acted in the face of day, were all agreed to do so and so in every part of the country. Or, they might find in the alternative a community of purpose so evidenced by the community of action which was perfect and complete. Not one man preaching one sentiment in Mayo and another a different sentiment in Tipperary—no, they each spoke the same language, because they were leaves of the same tree—because they had formed the conspiracy, and, therefore, they evidenced the guilt of combination of conspiracy. On that head I have said what occurs to my humble judgment, submitting it to the approval and better judgment of the Court. Lastly, my lords, I humbly submit to the Court that it was a mistake to tell the jury that each and every one of the meetings held in the various parts of Ireland, in all those districts and counties, that each and every one of them was an unlawful assembly.

Mr. Justice FITZGERALD.—I did not say that, Mr. Macdonogh. I qualified my language. I said that if the Land League, defining what its objects were, had the objects that I specified in detail, to effect those objects—if that was its character, it was an illegal association; and I added (I have not the paper before me now) if that was an illegal association, having those illegal objects, every provincial association called under its auspices to give effect to those illegal objects was an unlawful assembly.

Mr. *Macdonogh.*—My lord, I take it for granted that your lordship is right. I was referring to the admirable report of one of the Dublin papers, the *Freeman's Journal* of the 24th January, 1881. And, my lord, just a word upon that and no more. I am sure your lordship will state correctly, and that your memory will be more accurate than mine, because you have in writing what the import of the charge was; but I would just remind you ——

Mr. Justice FITZGERALD.—What I said on that subject is in manuscript. I have the manuscript in my chamber if you wish to refer to it. I can give you the very words.

Mr. *Macdonogh.*—No, my lord; I depend upon what your lordship says.

Mr. Justice FITZGERALD.—I always find when I come to address a jury, where extreme accuracy is necessary, the only way to secure it is to write it; and I have attained that in this instance.

Mr. *Macdonogh.*—I mention my objections. I say, in the first place, there is no charge here of unlawful assembly. Then it is not stated that, "by means of unlawful assembly"—that is not one of the devices. And, thirdly, I respectfully submit that the judge could not designate of himself until facts were found what was an unlawful assembly.

Mr. Justice FITZGERALD.—It is only done on supposition that such was so and so.

Mr. *Macdonogh.*—I have now stated to your lordships the views that occur to me and the objections that might be urged; and upon the law of conspiracy, I do think it requires the most guarded caution, in consequence of its vagueness and incertitude; and the curious mode, referring to Mr. Roscoe's observations, in which a man's alleged delinquency is not brought against himself, but is intensified into crime by reason of his joining with one or two persons united on the subject. Thus the most innocent thing in life might be tortured into a conspiracy. I will take a very common case. A young gentleman pays attention to a young lady and he proposes marriage to her, and she pays him the honour of accepting him, but his brothers and mother don't like it at all, and they coax him to change his mind; that which was a civil injury in itself becomes a conspiracy on the part of the mother and brothers, for which, according to this particular view of the law, they would be liable to be indicted.

Mr. Justice FITZGERALD.—I am quite sure that one portion of your auditory, Mr. Macdonogh, will think that an indictment ought to lie in such a case.

Mr. *Macdonogh.*—I have now stated my objections with that respect, which I hope I universally show to the Bench which I have the honour of addressing.

Mr. Justice BARRY.—With reference to the first—the main branch of the objection to the charge by Mr. Macdonogh, I am of opinion that he has the remedy of appeal by writ of error if anything erroneous has been stated, and I am of opinion that in the charge of my learned brother, as to the manner in which he laid down the law of conspiracy, every objection to that charge appears on the record, and to say that the charge is objectionable is—in other terms—to say that the information is vicious on the face of it. The law of conspiracy in late years has undergone very considerable alteration, especially with reference to trades' unions in England, and the consideration of the subject was referred to a very remarkable Commission indeed. The president of that Commission was the late Chief Justice Cockburn—a lawyer, I need scarcely say, of the greatest eminence, and certainly I may say of him he was not a judge who would be inclined at all to take a limited or unpopular view of such a subject. Another member of that Commission was Lord Winmarleigh; the next was Mr. Bouverie, of whom everybody who knows him will say that a more constitutional statesman and, I believe, lawyer, does not exist in England. The next was Mr. Russell Gurney, late Recorder of London. The next was a member of the Judicial Committee of the Privy Council, Sir Montague Smith. The next was Mr. John A. Roebuck. The next was Mr. Thomas Hughes, Member of Parliament for Westminster; he would scarcely be regarded as in any way inclined to abridge popular privileges. Then there was Mr. Gabriel Goldney, a legal member of the House of Commons. That is the Commission who reported on this law of conspiracy, and in their second report the following exposition of the law of conspiracy is given. Of course it has not the binding authority of a decision of a court of co-ordinate jurisdiction upon us, still, coming from such a source, it must be regarded as a highly authoritative state-

ment of the law. It would seem that two extreme opinions were put forward as to the law on this point, and that is not a matter of surprise where politics became more or less involved in the legal controversy. The one proposition was that an act perfectly innocent in itself, if it be carried out by perfectly innocent means, might, if two or more persons combined to carry it out, become criminal ; the other was the proposition I understood Mr. Macdonogh to put forward now as his contention in this case, namely, that there could be no indictable conspiracy unless the thing to be done or the means by which the thing was to be done were in themselves criminal; that would constitute a crime and be the subject-matter of an indictment for a prosecution. Now as to the first of the propositions, I don't think it necessary to discuss it further — I don't think it has any application to this case — than to say, I should be very slow to adopt such a view of the law. I think there must be necessarily in the law of conspiracy considerable vagueness and uncertainty, which in many respects is contrary to our law, and I agree with Mr. Macdonogh, that it should be administered with very great care, and not extended beyond the limits it has gone ; therefore, if I had to pronounce a definitive opinion, I should be clearly of opinion that a combination to do an act innocent in itself by innocent means does not constitute an indictable conspiracy. As regards the second proposition, however, which has been so often mooted, namely—that the thing to be done must be criminal, or the means to be used must be criminal. With reference to that, I am not prepared to adopt that view of the law, because I think the weight of modern authority is against it. I shall not refer any further to the cases cited by my brother Fitzgerald, and again referred to by Mr. Macdonogh ; but I shall now read this very lucid exposition of the law of conspiracy laid down by that most distinguished Commission—a Commission deserving, in the sense in which Mr. Macdonogh would put it, a greater amount of popular confidence than the decision of a mere court of lawyers, and presided over by so distinguished a man as the late Chief-Justice Cockburn—"The law protecting the relation of master and servant, employer and employed, from interference by third parties is supplemented by the common law relating to conspiracy. This law becomes applicable not only where two or more persons combine to do any act which is in itself an offence, and would be criminal if done by any one of them ; but also in many instances in which the act, which is the purpose of the conspiracy, if done by one would not be criminal ; as, for instance, where several, with the malicious intention to injure, combine to violate a private right—the violation of which by a single individual, though not criminal, would be wrongful, and would give a right of civil action to the party aggrieved. We are directed to consider whether it is desirable to limit or define this law either generally or as affecting the relation of masters and workmen." He then goes on to say—"Conspiracy may be divided into three classes :—First, where the end to be accomplished would be a crime in each of the conspiring parties, a class which offers no difficulty. Secondly, where the purpose of the conspiracy is lawful, but the means to be resorted to are criminal as where the conspiracy is to support a cause believed to be just by perjured evidence. Here the proximate or immediate intention of the parties being to commit a crime, the conspiracy is to do something criminal, and here again, the case is consequently free from difficulty. The third and last case is where, with a malicious design to do an injury, the purpose is to effect a wrong, though not such a wrong as when perpetrated by a single individual would amount to an offence under the

criminal law. Thus, an attempt to destroy a man's credit, and effect his ruin by spreading reports of his insolvency would be a wrongful act which would entitle the party whose credit was thus attacked to bring an action as for a civil wrong, but it would not be an indictable offence. If it be asked on what principle a combination of several to effect the like wrongful purpose becomes an offence, the answer is—upon the same principle that any other civil wrong, when it assumes a more aggravated and formidable character, is constituted an offence and becomes transferred from the domain of the civil to that of the criminal law. All offences, it need hardly be observed, are either in their nature offences against the community, or are primarily offences against individuals. As regards the latter case, every offence against person or property, or other individual right, involves a civil wrong which would have entitled the person injured to civil redress, were it not that, owing to the aggravated nature of the wrong and the general insecurity to society, which would ensue from such acts, if allowed to go unpunished, the State steps in and merging the wrong done to the party immediately interested in the larger wrong done to the community, converts the wrong done by the infraction of individual right into a crime, and subjects the wrongdoer to punishment, to prevent, as far as possible, the recurrence of the offence. Thus, the dividing line between private wrongs as entitling the party injured to civil remedies, and private wrongs thus converted into public wrongs, in other words, into offences or crimes, is to be found in the more aggravated and formidable character which the violation of individual rights under given circumstances assumes. It is upon this principle that the law of conspiracy, by which the violation of private right which, if done by one, would only be the subject of civil remedy, when done by several is constituted a crime, can be vindicated as necessary and just. It is obvious that a wrongful violation of another man's right committed by many assumes a far more formidable and offensive character than when committed by a single individual. The party assailed may be able by recourse to the ordinary civil remedies to defend himself against the attacks of one. It becomes a very different thing when he has to defend himself against many combined to do him injury. To take the case put by way of illustration, that of false representations made to ruin a man's business by raising a belief of his insolvency, such an attempt made by one might be met and repelled. It would obviously assume very different proportions, and a far more formidable character if made by a number of persons confederated together for the purpose, and who should simultaneously and in a variety of directions take measures to effect the common purpose. A variety of other instances, illustrative of the principle, might be put. The law has, therefore, and it seems to us wisely and justly established, that a combination of persons to commit a wrongful act, with a view to injure another, shall be an offence, though the act if done by one would amount to no more than a civil wrong. We see no reason to question the propriety of the law as thus established, nor have we any reasons to believe that in its general application it operates otherwise than beneficially."

It seems to me that that is an extremely lucid and able exposition of the law, coming from a most authoritative source. Gentlemen, as it is by the weight of modern authority, and if that law be erroneous as there laid down, if it should be found objectionable on public or political grounds, it is for the Legislature to interfere. At present I don't think this Court has authority to do so.

Mr. Justice FITZGERALD.—I would only add to what my learned brother has said—as the objections were very much an appeal from what I have said—I entirely concur in what he has said, and I may add this further, there is no hardship imposed on your clients. If anything I have said either upon the law or evidence is calculated to mislead the jury, the mode of rectifying that is to come to this Court for a new trial; but I believe that everything that I have said in point of law every objection can be taken—whatever any judge says is open to objection, and very properly. Every objection is really upon the record, and if this Court should refuse you a new trial, if the application becomes necessary, you have the same objection on the record, which you may take by writ of error to the House of Lords.

Mr. *Macdonogh.*—Will your lordship allow me to see the report? (Report handed to him.)

(Mr. Justice Barry's print of the speeches in evidence having been brought into Court),

Mr. Justice BARRY.—I have marked in the margin the speeches read for the Crown, and I have also marked in the margin the speeches read for the defendants, with the word "defendants" written in the margin.

Mr. *Macdonogh.*—I don't think it is likely the jury will ask for them. Of course, if they do, I would at once agree that the speeches noted by your lordship should be sent to them, but whatever your lordships please, I am afraid the jurors will be obfuscated by them.

Mr. Justice BARRY.—It is not improbable.

Mr. *Curran.*—It would not be fair to read one unless they read all.

Mr. *Goodman.*—There are only eighty-three of them.

(The prints were then sent to the jury.)

Mr. Justice FITZGERALD.—We will not return for half an hour, unless the jury sends for us in the meantime.

The Court then adjourned.

At seven minutes to five o'clock the judges took their places on the bench.

Mr. Justice FITZGERALD.—Now, Mr. High Sheriff, call out the Jury.

Sir *George Owens*, the High Sheriff, then proceeded to the jury-room, and after about five minutes' delay he returned.

At five o'clock the jury again took their places in the box.

Mr. Justice FITZGERALD.—Now, Mr. Foreman, you will answer my question, and say nothing more than give the answer. Have you agreed to a verdict?

The *Foreman.*—No, my lord.

Mr. Justice FITZGERALD.—And are you likely to agree to your verdict upon further consideration?

The *Foreman.*—I don't think we are, my lord.

Mr. Justice FITZGERALD.—You don't think you are?

The *Foreman.*—No, my lord.

Mr. Justice FITZGERALD.—I would ask you, gentlemen, to retire again, and I will send for you in a very short time.

The jury again retired.

Mr. Justice FITZGERALD.—Now, Mr. Attorney-General, you have heard what the jury has said, or the foreman has said for them—that they are not likely to agree, or to come to an agreement upon further consideration. Have you any suggestion to make to the Court?

The *Attorney-General.*—Well, my lord, I am disposed to leave the matter entirely in your lordship's hands.

Mr. Justice FITZGERALD.—Mr. Macdonogh, have you any suggestion to make.

Mr. *Macdonogh.*—I confess, that after the great length this case has occupied, and the great expense which has been incurred, I should prefer that the jury should be kept in for the night.

Mr. Justice FITZGERALD.—We don't propose, Mr. Macdonogh, to take that course. This is now the twentieth day of the trial. Mr. Sergeant Heron closed his reply, I think, on last Friday afternoon. From that time the jury have had ample time to consider the case. I mean, at least, that they had all the evidence and all the arguments which were addressed to them, either on the part of the public prosecutor or on the part of the defendants, before them, so that they had a very considerable time for consideration, and now it is five hours less by five minutes since they retired to-day. It does occur to me that the time has come for the necessity—I cannot think, after twenty days, of locking these gentlemen up for the night, and it appears to me, and, I believe, to my learned colleague, that the time has come for us to exercise that discretion which the law vests in us—that is, that the moment has come at which we think, if these gentlemen, upon being called out again, honestly assure us that there is no chance of their coming to a verdict, the time has arisen for their discharge.

Mr. *Macdonogh.*—Of course, my lords, it is entirely within your lordships' discretion, and to that discretion we entirely bow; but, of course, I venture to desire what I have already stated—you are the judges to decide, and I am sure your discretion will be judiciously and wisely exercised.

Mr. Justice FITZGERALD.—We would not for a moment hesitate if we thought that by continuing their deliberation for one hour, or two, or three, there would be any chance of their agreeing; but I confess I am unwilling to resort to the old barbarism of securing unanimity by punishing the jury, and I think it would be the extremest of punishment locking them up in this weather for the night—and they should be locked up in the jury-room for the night.

Mr. *Macdonogh.*—Possibly if your lordships would say an adjournment until a later hour—nine or ten o'clock to-night.

Mr. Justice FITZGERALD.—I do not see the use of it, but I will call out the jury, and ask them if by leaving them four hours more, in addition to the five hours' deliberation they have had already, they are likely to agree, or if there is any possibility of their agreeing, and we could act on that, and come back here at any hour appointed. I am unwilling, Sir George Owens, to again put you to the trouble of forcing your way up to the jury-room.

Sir *George Owens.*—The sub-sheriff is not here, my lord, but if your lordships would allow a constable to go up.

Mr. Justice FITZGERALD.—I think one of the constables may call out the jury. He can just go to the door and call them out.

Mr. Justice BARRY.—You see, Mr. Macdonogh, the practice of locking up a jury all night—a special jury such as this—has been, I may say, virtually discontinued for a considerable time both here and in England, and I think a great deal of reliance ought to be placed on the assurance of such gentlemen as these as to whether they are or are not likely to agree, but coercing a verdict is a very serious step.

Mr. *Macdonogh.*—I feel fully the force of all that has fallen from the members of the Court, but I have said all that occurs to me on the part of my clients.

The jury returned into court at 7 minutes past 5 o'clock.

Mr. Justice FITZGERALD.—Mr. Foreman, you informed me a while ago that you had not come to an agreement. Is not that so?

Foreman.—Yes, my lord.

Mr. Justice FITZGERALD.—You have been now nearly five hours in deliberation, and you further state that you were not likely to come to an agreement. Now, since you were here it has been suggested that by giving you the night to consider your verdict, or by giving you two or three hours more, there was a probability of your coming to an agreement. What I ask you now, and I wish you to answer me as honest men, and I am sure I will get from your lips a true answer, is there a prospect that by continuing your deliberations further you are likely to come to an agreement?

The *Foreman.*—I think we are unanimously of opinion that we will not.

A *Juror* (Mr. Macken).—I think we ought, my lord.

Another *Juror.*—I think it is possible we might, if we consider a little longer.

Another *Juror* (Mr. Hopkins).—I think we might, perhaps, for there are ten, my lord.

Mr. Justice FITZGERALD.—Stop! stop! (cheers in court). Stop that at once. If this is continued it can only be with one view, that of influencing the jury, and I shall get in a sufficient force in five minutes to clear the court.

Mr. *Hopkins* (the juror).—I am very sorry, my lord, I made the observation.

Mr. Justice FITZGERALD.—And you should not have made it, sir. I did not ask you any question. The jury answer by the mouth of their foreman, and the foreman has told me that there is no probability that you will come to an agreement. I did not ask any question as to number. I do not care how the ten are or how the two are. The question I have—the law requires unanimity and I can receive no verdict that is not the unanimous verdict of the jury. And what I asked the foreman was, was there a chance that you were likely, on further deliberation, to come to a unanimous decision. Mr. Foreman, is there any probability of that?

Foreman.—I do not think there is.

Mr. *Curran.*—Several of the jurors have stated that there was.

Mr. Justice FITZGERALD.—Don't interrupt Mr. Curran—they didn't say that.

Mr. *Curran.*—Several jurors said they wished to retire.

Mr. Justice FITZGERALD.—I do not require any assistance from you, Mr. Curran, and I desire that it will not be given. (To the jury)—Do you wish to retire again, gentlemen, to consider your verdict?

Several Jurors.—We do, my lord.

Mr. Justice FITZGERALD.—Very well, gentlemen, retire.

The jury then again retired at 12 minutes past 5 o'clock.

Mr. Justice FITZGERALD.—We will return into court at 6 o'clock, and then call out the jury; and, Mr. High Sheriff, will you have a sufficient force in court to suppress any discreditable—such a discreditable exhibition of feeling as that which took place a few minutes ago.

Sir *George Owens.*—I will, my lord.

Mr. Justice FITZGERALD.—And have sufficient to clear the court if necessary.

Sir *George Owens.*—I will, my lord.

Mr. *Macdonogh.*—May it please your lordships, since your lordships retired I have had the advantage of consulting all my learned friends

who are with me in this case, and I have had the further assistance of the personal co-operation of two members of Parliament who stand impeached before your lordships—Mr. Parnell and Mr. Sullivan—two gentlemen who happen to be here; and, my lord, they have instructed me respectfully to represent to your lordships shortly the views which we entertain. Personally, I need hardly say, and I am sure it is the feeling of my learned friends, that your lordships will give fair consideration to what is occurring in your lordships' court. They say that this is a trial which, though it was expected to be very prolonged, has not been so. It has been conducted with such celerity, I might say, before your lordships as I think would meet your lordships' approbation. My lord, they feel that their interests are very deeply involved indeed in the matter, and a variety of considerations have been pressed upon my mind by Mr. Parnell and Mr. Sullivan which I forbear to advert to as being matters not immediately fitting to be introduced to your lordships, though very fitting for consideration. My lord, they say that after the length of this trial —less protracted than was anticipated—that after the length of the trial and the vast variety of documents which the jury have to consider, and the paucity of hours at which they had so to consider it since your lordship delivered your charge, because, until then, gentlemen who separated every night, and who probably live in different parts of the city, may not have had an opportunity of conferring—accordingly, until the jury heard the instructions of the learned judge who presides, it is hardly time for them to begin their consideration of the subject. They think, my lords, and they respectfully instruct me to press it upon your lordships that you ought not to discharge the jury now. We have known in great and special cases, in which your lordships have both and each filled such a position at the Bar, which were I not in this presence I would speak of—you know how frequently in special jury cases we have come to this court at late hours at night—I am speaking for myself—at eleven o'clock and twelve o'clock, and various hours of the evening to hear the final decision of the jury in cases where mere private rights were concerned. This, however, is a case where the liberty, reputation, and fortune of fourteen gentlemen who are before you, are now in the balance, and, my lord, they press upon you this consideration—that a slight mistake occurred when the foreman said they were all unanimously of opinion that they were not likely to agree, because three or four members of the jury interposed with the suggestion of there being a possibility of agreement, and so long as there is a probability of an agreement my clients respectfully put it to you that you ought not to discharge the jury. I have now stated, my lord, the results of the consideration which we have had, and my lords I don't think we can urge anything else upon your lordships. I leave it to your high sense of what is due to the high dignity of this court in which these gentlemen are now on trial, and I leave it to you to decide what course you will pursue.

Mr. *Walker*.—Allow me to add a word on behalf of the other traversers. As long as there is a possibility of an agreement being arrived at and a result accomplished I feel perfectly sure that your lordship will of course not exercise your discretion in discharging the jury; and I confess I was very much struck by—and this was in my own hearing—what two or three of the jurors said—three or four I believe it was, but at all events three—that they did think there was a possibility of their arriving at an agreement. While that probability exists, my lord, and conveyed by the jurors to you, I respectfully ask your lordships in this case—affecting the liberty of the traversers and with large interests involved in it, not to discharge the jury in the exercise of your judicial discretion.

Mr. *M'Laughlin.*—I may be allowed to say briefly—for nothing could be added to what has been so well said by Mr. Macdonogh and by Mr. Walker—that it is a very noteworthy fact in those proceedings—and I may say unique—that the jury remained five hours and upwards without coming out at all, until sent for by the Court. It is a very remarkable thing, and is not certainly an indication against the probability of an eventual agreement.

Mr. *Peter O'Brien.*—Your lordships will allow me to make one observation, and only one. I have scarcely ever known of a jury to be discharged on being sent for by the judge.

Mr. Justice FITZGERALD.—I have repeatedly done it

Mr. *Peter O'Brien.*—What I respectfully would urge——

Mr. Justice FITZGERALD.—I have done it myself fifty times.

Mr. *Peter O'Brien.*—I respectfully say that there was very nearly a miscarriage of justice on the last occasion, because the foreman did not certainly adequately or properly represent the feelings of the other jurors—because I myself heard four of them express views contrary to that expressed by him, and I therefore ask your lordship to take care—and I'm sure your lordship will take care—to see that when the foreman speaks he represents the opinions of the individual jurors.

Mr. *Curran.*—Would your lordships allow me to add one observation? Within the last forty-five minutes, three or four jurors have stated that there was a probability of their agreeing to a verdict.

Mr. Justice FITZGERALD.—No, they didn't say that. What they said was that they wished for further time.

Mr. *Curran.*—What I was respectfully submitting is that three-quarters of an hour is not sufficient time from the time they stated that fact, to allow them for further consideration.

Mr. Justice FITZGERALD.—What I propose to do is to call out the jury and ask the foreman again, have they agreed, or are they likely to agree, or do they require further time for deliberation. Our only object is to have a free, unanimous verdict from the jury, and I must say that if we have such exhibitions as we have had in this court to-day, that I could not consider the verdict of the jury, as a free unanimous verdict. Now call out the jury.

Mr. Justice BARRY.—I think it is dangerous to lay down exceptional rules even to meet apparently exceptional cases. I can only add that I am astounded at the proposition that we have just heard fall from Mr. O'Brien that such a thing was unknown as a jury being sent for and asked if they cannot agree, and if they state they cannot agree they are not to be discharged by the judge. I confess it is contrary to my practice at the bar and on the bench.

Mr. Justice FITZGERALD.—I have done it fifty times in both criminal and civil cases.

Mr. *O'Brien.*—What I said was that it was exceptional.

Mr. Justice BARRY.—I am never for making any exceptions. I think the usual practice is always the safe and the best course.

Mr. Justice FITZGERALD.—Send for the jury—(after a pause)—Has anyone gone for the jury?

Mr. *Goodman.*—Yes, my lord, the police inspector.

At thirteen minutes past six o'clock the jury again entered court.

Mr. Justice FITZGERALD.—Now, Mr. Foreman, again I have to ask you have you agreed to your verdict?

The *Foreman.*—No, my lord.

Mr. Justice FITZGERALD.—I have a further question to ask you, and it is this—and I expect you to answer me as conscientious men through

the mouth of the foreman—do you desire, in the first instance, further time to deliberate, so as to enable you to come to a free, honest, and unanimous verdict?

The *Foreman*.—I do not think we desire further consideration, my lord.

A *Juror*.—I think it would be necessary.

Another *Juror* (Mr. Crosby).—I think we all decided to stop a considerable time to consider the matter. I would be most happy to stop a long time.

Mr. Justice FITZGERALD.—Then, I propose, gentlemen, to lock you up for the night. We must swear bailiffs. Remain where you are for the present, gentlemen.

The *Foreman*.—Would your lordships come back in an hour or two?

Mr. Justice FITZGERALD.—Anything the jury wish in that way we will do. We can adjourn, though it is excessively inconvenient to come down again or take your verdict at a late hour of the night. We can either adjourn for two, three, or four hours, and both, or one of us, can come down to receive your verdict, or we can send you to a hotel for the night and take your verdict in the morning.

The *Foreman*.—I think it would be better, if it suited your lordships' convenience, to come down at nine o'clock.

Mr. Justice FITZGERALD.—Very well, gentlemen. But remember you have taken an oath to find a true verdict on the evidence, so help your God. That is the oath you have taken, and if you tell me, as honest men, that by an adjournment for an hour or for two hours you are likely to come to a true, unanimous, and honest verdict upon the oath you have taken, I will adjourn for that time.

The *Foreman*.—I do not think we are likely, no matter how long we may adjourn for, to come to a unanimous decision.

Mr. Justice FITZGERALD.—You are aware, according to the law of this land, I can receive no verdict but the verdict of all the twelve men, and we expect always that that verdict of twelve men shall be a verdict honestly given, having regard to the solemn oath they (the jurors) have taken—that is, to find a true verdict upon the evidence and nothing else. If you tell me, as honest men, that by getting two or three hours for further deliberation you are likely to come to a conclusion, we will adjourn for that purpose.

The *Foreman*.—Well, I don't think we are likely to agree, my lord. At the same time, I think if your lordships returned in two or three hours it would give us sufficient time to deliberate, without locking us up till to-morrow.

Mr. *Walker*.—Say nine o'clock.

Mr. Justice FITZGERALD.—Now, there must be no interference about this, Mr. Walker.

A Juror (Mr. Macken).—Some of us are a little hasty, and it might require more time than a few hours.

Mr. Justice FITZGERALD.—I have my own views upon that. Gentlemen, what we shall now do is this—It is now twenty minutes past six o'clock. Either my brother or myself will attend here at eight o'clock to receive your verdict if you have agreed, and, if you have not agreed at that time, we will exercise the discretion which the law gives us. Now, Mr. Sheriff, have you the bailiffs here to be sworn?

The *Foreman*.—I suppose, my lord, we can have any refreshment?

Mr. Justice FITZGERALD.—I have given instructions to the sheriff that you are at liberty to have any suitable and moderate refreshment. The High Sheriff is here—you hear me. You will take care in our

absence—either of us will be back, and we propose now to adjourn to eight o'clock. You will take care to have in the court, and in the hall, and about the precincts of this court a sufficient force to prevent any rioting or any ebullition of feeling or any attempt in any way to interfere with the jury.

The *High Sheriff* (Sir George Owens).—Yes, my lord.

The *Attorney-General.*—Or any communication with the jury.

Mr. Justice FITZGERALD.—Or any communication with the jury. There is a back door as well as a front door to the jury-room.

Mr. *Macdonogh.*—I hope your lordship will see that they get lights. There is no gas. The gas outside has been put out and the whole place is in darkness.

Mr. Justice BARRY.—As for the gas in my Chamber, which was put there, I believe, by the Board of Works for me, I am aware that it always goes out at the approach of evening.

The *Foreman.*—If you apply a little hot water to the meter it will make the gas shine.

Mr. Justice FITZGERALD.—Who has charge of the gas here?

Mr. *Goodman.*—Mr. Blythe, I believe.

Mr. *Walker.*—It is turned off, and the whole place is in darkness; you have to grope your way through the passages outside.

Mr. Justice FITZGERALD.—Gentlemen of the jury, the sub-sheriff will provide you with lights and any reasonable refreshment you desire. Mr. Sheriff, bring in eight constables to be sworn as bailiffs.

Mr. *Macdonogh.*—Would your lordship kindly allow me to present a request from the traversers to you that you would be good enough to say nine o'clock instead of eight. I am only the medium of communicating that request.

Mr. Justice FITZGERALD.—I have no objection to say nine o'clock.

Mr. Justice BARRY.—That was the hour named by the foreman.

Mr. Justice FITZGERALD.—We will adjourn to nine o'clock, and, in the meantime, the sheriff will provide you with the necessary refreshment. But before we leave, the bailiffs will have to be sworn in.

The *Foreman.*—One of the jury desires that your lordship would again define the question of intent.

Mr. Justice FITZGERALD.—You must all come back into the box for that, gentlemen. Have you got a copy of the abstract of the indictment?

Mr. *Goodman.*—I have it (handed to Judge).

Mr. Justice FITZGERALD.—You are all there, gentlemen. Well, the intent, gentlemen, alleged in the first class of counts in the indictment, is an intention on the part of the defendants to impoverish the landlords—that is, to impoverish them by preventing their rents being paid to them. In the next class the intent is put in another way—intending to injure the landlords (which really means the same thing) by inducing their tenants to refuse to pay rents. The next intent is another class. It is intending to frustrate the administration of justice and the execution of the Queen's writs of *fieri facias* and decrees issued for non-payment of rent. The next is an intent, intending to impoverish the owners of farms which have been evicted for non-payment of rent by preventing others taking these farms, and I think that the last is intending to prejudice persons desirous of taking any farm from which others had been evicted for non-payment of rent by preventing the taking of these farms. Well, gentlemen, I have told you what the various intents are, stated in the various counts in this indictment. I do not know that I can give you any further information than I did before. In ordinary cases intention is to be inferred—as a matter

of fact, to be inferred by the jury from the acts of the party—from the acts of the defendant, because as you cannot dive into the recesses of a man's mind ordinarily, the law holds you are at liberty to infer that he intended that which is the necessary consequence of his own act. And if the defendants did combine to prevent tenants paying their rents —if they did combine to prevent others taking farms from which tenants who would not pay their rents had been evicted—why, gentlemen, the necessary consequence—the consequence resulting from those acts would necessarily be to impoverish and injure landlords. But I pointed out to you in the course of the case that this was not really a case in which you were driven back upon that supposition of law at all, because that you had—if the defendants did conspire in the manner alleged—you had ample evidence before you of their common intent. It is expressed almost in every speech which was made—in every line of the evidence. "To starve out the landlords" is an expression repeatedly used. "Crush them out"—"bring them to their knees by the non-payment of rent, and the not allowing of people to become tenants of their farms." In fact, gentlemen, you have in every line of the case pregnant evidence expressed which you are at liberty to act upon of the intent alleged on the part of the defendants. But, gentlemen, when I come to that class of counts—intending to frustrate the administration of justice and the execution of the Queen's writs—to wit, writs of *fi. fa.* and civil bill decrees for non-payment of rent, by their declaration that nobody should be at liberty to bid at such a sale, nobody should be at liberty to buy; and further enforcing these mandates by "Boycotting" the persons who should bid at or buy at these sales, well, gentlemen (that is in my judgment) there, as in the other case, you are not bound to fall back upon any inference from the acts of the defendants; but you have ample proof—if you believe it—if upon an investigation of the case, you come to that conclusion—that they did intend to prevent the execution of these writs—which is in that way expressed that their intent was to frustrate the administration of justice. Upon that subject I cannot tell you any more. It is very much what I stated to you before and I will leave it entirely in your hands. Now, gentlemen, my brother and I will come back at nine o'clock to receive your verdict if you agree to it.

Mr. *Macdonogh* (as the jury were leaving the box).—Of course until the jury shall have retired I cannot say a word. But I wish to convey that I mean to do so.

Mr. Justice FITZGERALD.—We will hear from Mr. Macdonogh with great pleasure anything he has to say, and with the attention which it always deserves. (To the jury)—Now, gentlemen, you had better retire.

The *Foreman.*—One of the jury suggests that your lordships should not go away until a quarter to seven o'clock.

Mr. Justice FITZGERALD.—Very well, Mr. Foreman, we will remain in court until a quarter to seven, and you can then come down into court and tell us what you desire.

The jury again retired to their room.

Mr. *Macdonogh.*—May it please your lordships—your lordship having, in much more emphatic and very clear language conveyed to the jury your views in reference to the intention, I most respectfully object, and I say that the question of intent is to be found as a fact—as a fact by the jury. That was the discussion between Lord Erskine and Mr. Justice Buller. It is settled now, and the decisions were numerous upon the subject. One is mentioned in Blackstone's Commentaries,

another in a case which I have not before me at this moment, but which I was considering. Intent is to be found as a fact, and I know your lordship did not suggest it was to be what we frequently use in the exigency of civil life—namely, that the party intended the actual or necessary consequence of his acts—a very useful formula and sometimes very applicable, but not in a criminal court, as your lordship judiciously observed——

Mr. Justice FITZGERALD.—I think you misunderstood me, Mr. Macdonogh, I did not at all so observe, that that was not applicable to a criminal court. On the contrary, I particularly laid it down in another case in express language.

Mr. *Macdonogh.*—I did not convey myself then. I did not at all say that your lordship did not, but I say that in many cases it is not a proper formula for a criminal court, but that the intent is to be found as a fact, and not to be inferred as a consequence of a person's acts. As, for example, supposing the intention was wholly diverse, that the intention was to stay evictions and to prevent oppression, and that as an incident to that, and a mere incident, the impoverishment of landlords might take place, that was not the prevailing intent—that was not the intent to govern. And I do think that it is well deserving of attention that in all cases of great magnitude the primary intent was to achieve a good purpose, but, incidentally, the effect was frequently to injure those from whom the abuses were taken, and the jury have not had presented to them a fair view of what the intent of these gentlemen was. They wanted to stay evictions, they wanted to stay the expatriation of their countrymen, and they did these acts, which incidentally, no doubt, might tend to reduce the income of the landlords; but that, therefore, was not the necessary intent of their acts, nor was it the intent which operated upon their minds. I would ask your lordship to tell the jury that if they have any doubt about any of these intents—calling attention to what the intents were which the traversers' counsel urged upon your lordship as the primary intents—that if there was any reasonable doubt on that subject, they are bound to acquit the traversers. My learned friend, Sergeant Heron, thought fit to deride the benefit of the doubt. For the first time I heard of it in a court of justice, and I hope I shall never hear it again. I ask your lordship to tell the jury if they have any reasonable doubt of the intent they should acquit the traversers.

Mr. Justice FITZGERALD.—I shall not call out the jury again for that purpose, Mr. Macdonogh. I am now only expressing my own opinion. I may add if there is one feature in this case on which there is not the slightest doubt it is this: that the intent was to impoverish the landlords, and in that way to bring them to their knees—the primary intent, and that is expressed in every line of the evidence. The same rule applies to civil and criminal cases, but if the question arose in a civil case I should have directed the jury to find a verdict for the plaintiff. We shall wait now till the jury come out and tell us if they wish for an adjournment.

The jury returned to court at twenty minutes to seven o'clock.

The *Foreman.*—My lord, the gentlemen of the jury have now desired me to inform you of their opinion that it is utterly impossible that we could agree to a verdict, no matter how long we may be locked up.

Mr. Justice FITZGERALD.—Very well, gentlemen, if that is the expression of your opinion now, we will not exercise the power which we have to lock you up for the night. You have now been six and a half

hours in deliberation, and according to the opinion of my learned colleague and myself, having now that declaration from your body, we think the time has come when the necessity has arisen for your discharge. We would have kept you for any time and attended you at any period if there was a prospect of a unanimous verdict; but there being no prospect now, according to your declaration, of that unanimous verdict, and upon that opinion which you have now unanimously expressed through the mouth of your foreman—there being no prospect of a free and unanimous verdict, we exercise the authority which the law gives us by discharging you. You are now discharged.

A *Juror*.—My lord, as we have been such a long time engaged on this case four weeks to-day, we think we ought to be exempted for some time from serving on juries.

Mr. Justice FITZGERALD.—I think, gentlemen, you are well entitled to that indulgence, and I myself will, as far as my own court is concerned, communicate with the Chief Justice, or other judge of this court, who may be sitting at *Nisi Prius*, and we will take care that you shall be exempted. We will also have a communication made to the other courts with a view to seeing that the exemption shall be extended to you there.

The jury then left the box, and the proceedings terminated.

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